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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF COMMERCE

Technology Administration

15 CFR Parts 19, 1160 and 1170

[Docket No. 910774-1174]

Productivity, Technology and Innovation Strategic Partnership Initiative

AGENCY: Technology Administration, Commerce.

ACTION: Final rule and redesignation.

SUMMARY: This is to notify interested parties of procedures under which the Department of Commerce provides a forum for discussion, by private sector interests, on the feasibility of establishing strategic partnerships, especially for the development and exploitation of large scale enabling technologies. This rule also amends the Code of Federal Regulations to redesignate the Department of Commerce's regulations on Productivity, Technology and Innovation, now found at 15 CFR subtitle A, part 19, as a part of 15 CFR chapter XI, the site of the regulations of the Department of Commerce's Technology Administration.

EFFECTIVE DATE: This rule will take effect on August 20, 1991.

FOR FURTHER INFORMATION CONTACT: Jack Williams, Director, Office of Technology Policy Analyses and Studies, (202) 377-1518.

SUPPLEMENTARY INFORMATION: Recognizing the increase in resources and coordination needed for our firms to be effective competitors, Commerce has undertaken several initiatives to eliminate barriers to varied forms of cooperation among firms. Commerce led the successful campaign to enact the National Cooperative Research Act (NCRA) which reduced the antitrust damage exposure of cooperative R&D ventures and thereby reduced barriers to the formation of horizontal consortia. A proposal by President Bush would extend the NCRA to joint production ventures. These consortia are aimed at sharing the high costs of technologies primarily at the generic stage which can subsequently be used by competing firms in proprietary applications. They are designed to raise the technology level of an industry group. Commerce has promoted the concept of shared, flexible, computer-integrated manufacturing facilities which allows firms to bring new products to the market with limited or no capital investment, and export trading companies to defray the costs of export marketing. Through the Malcolm Baldrige Quality Award, Commerce encourages strategic relationships between manufacturers and their supplies and customers. The goal of these efforts is to provide the private sector with various options to improve their competitiveness, and especially to deal with the increasing cost of technological innovation.

It is increasingly difficult for even large individual firms to be self-sufficient in large-scale enabling technologies or capture the full range or even the majority of the resulting benefits. Cooperation among firms, in various forms, is increasingly undertaken to solve both problems. It is also a potential way to address competition by some of our competitors who utilize a multiple firm approach to manage innovation and spread risks. Strategic Partnerships are one approach which the private sector may wish to consider. They would allow U.S. firms to combine their resources to deal with the increasing cost, complexity, scale, scope, and time critically of large-scale enabling technologies. Strategic Partnerships, if structured as predominantly noncompetitive arrangements, will be able to carry the joint effort into full commercialization.

The Department of Commerce is amending title 15 of the Code of Federal Regulations by redesignating part 19 as a part of chapter XI, by redesignating former part 19, subpart B as a new part, namely chapter XI part 1170, and by adding a new subpart to establish procedures under which the Department of Commerce provides a forum for discussion, by private sector interests, on the feasibility of establishing strategic partnerships, especially for the development and exploitation of large scale enabling technologies. As redesignated, 15 CFR part 19 will be located at 15 CFR chapter XI, with 15 CFR 19.1 through 19.7 (now known as subpart A of part 19 and entitled "Promotion of Private Sector Industrial Technology Partnerships") to be redesignated as 15 CFR 1160.1 through 1160.7. The new subpart B, entitled "Strategic Partnership Initiative," will be found at 15 CFR 1160.20 through 1160.27. Further, 15 CFR 19.20 through 19.24 (now known as subpart B of part 19 an entitled "Metric Conversion Policy for Federal Agencies") will be redesignated 15 CFR part 1170, containing §§ 1170.1 through 1170.5.

Because this new Subpart involves matters solely within subsection (a)(2) of section 553 of title 5, United States Code, the requirements of that section and of the Regulatory Flexibility Act do not apply to the issuance of this rule. Specifically, this rule sets out the internal Departmental mechanism through which the Department will hold public workshops to discuss the feasibility of establishing strategic partnerships as explained herein. Also, because this rule is exempt from the requirements of the Administrative Procedures Act by subsection (a)(2) of section 553 of title 5, United States Code, it shall take effect immediately upon publication.

This is not a major rule within the meaning of section 1 of Executive Order 12291. It will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs and prices for consumers, individuals, industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

This rule contains no information collection requirements subject to the Paperwork Reduction Act.

List of Subjects in 15 CFR Parts 1160 and 1170

Business and industry, Commercialization, Cooperative R and D, Industrial innovation, Industrial

technology, Joint R and D, Partnerships, Private financing of R and D, R and D financing, R and D limited partnerships, Science and technology, Technological innovation, Technology.

Dated: August 12, 1991.

Jack Williams,

Acting Assistant Secretary of Commerce for Technology Policy.

For the reasons set out in the preamble, 15 CFR part 19, subpart A is redesignated as 15 CFR part 1160, subpart A; 15 CFR part 19, subpart B is redesignated as 15 CFR part 1170; and a new subpart B is added to the new part 1160 to read as follows:

PART 19 [REDESIGNATED]

1. Part 19, subpart A is redesignated as part 1160, subpart A.

PART 1160—PRODUCTIVITY, TECHNOLOGY AND INNOVATION

2. The authority citation for part 1160 is revised to read as follows:

Authority: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a, DOO 10–17 and DOO 10–18.

3. The Table of Contents for part 1160 subpart A is revised to read as follows:

Subpart A—Promotion of Private Sector Industrial Technology Partnerships

Sec.
1160.1 Purpose.
1160.2 Definitions.
1160.3 Assistance to Industrial Technology Partnerships.
1160.4 Antitrust Considerations.
1160.5 Coordination/Cooperation with Other Federal Agencies.
1160.6 Proprietary Data.
1160.7 Amendment of Procedures.

4. A new subpart B is added to part 1160 to read as follows:

Subpart B—Strategic Partnership Initiative

Sec.
1160.20 Purpose.
1160.21 Definitions.
1160.22 Goal of the Strategic Partnership Initiative.
1160.23 Assistance in Establishing Strategic Partnerships.
1160.24 Antitrust Considerations.
1160.25 Coordination/Cooperation With Other Federal Agencies.
1160.26 Proprietary Data.
1160.27 Amendment of Procedures.

§ 1160.20 Purpose.

The purpose of this notice is to notify interested parties of procedures under which the Department of Commerce provides a forum for discussion by private sector interests on the feasibility of establishing strategic partnerships, especially for the development and exploitation of large scale enabling technologies.

§ 1160.21 Definitions.

(a) Strategic Partnerships. Strategic Partnerships are multi-industry teams of firms and others formed to create and commercialize proprietary technologies, especially large scale enabling technologies, using a systems management approach. The design of and participants in a specific partnership will be solely at the discretion of the private sector. However, since these partnerships will be most effective when compromised of firms which can share proprietary information, it will probably be most useful if there are no competitors in the venture.

(b) Large Scale Enabling Technologies. Large Scale Enabling Technologies are technologies that are too complex and costly for a single firm to create and that have more potential applications than a single firm or a single industry can readily exploit. In some cases investments in these technologies may only be recouped if the results are used in several applications, often in different industries. Since speed of recoupment is often critical to continued competitiveness, it is often essential that multiple major applications are introduced simultaneously.

§ 1160.22 Goal of the Strategic Partnership Initiative.

(a) This new initiative is designed to provide the private sector with the opportunity to discuss the possible benefits of forming Strategic Partnerships among firms representing the entire food chain of specific technologies. By focusing on a specific technology, these partnerships will have the capability to integrate the innovation activities for a broad range of applications made possible by that technology. The integrative function differentiates this initiative from earlier Department of Commerce initiatives which deal with only one stage of the commercial process. Strategic Partnerships differ from traditional cooperative R&D consortia only in the early precompetitive stage of innovation. In contrast, Strategic Partnerships are made up generally of noncompeting companies (see § 1160.21(a)) and are capable of accomplishing the entire process of innovation working on a proprietary basis.

(b) The immediate goal of this initiative is to hold workshops upon a request from the private sector in key technologies at which the stakeholder industries in the food chain for each technology will have a chance to consider potential applications of the technology, current status of the technology, what R&D needs to be performed, the competitive position of U.S. industry in that technology, including the status of foreign competition, and the ways in which U.S. stakeholders might organize themselves to maximize commercial benefits. The ultimate outcome of such workshops will be entirely at the discretion of the private sector and may include the formation of one or more Strategic Partnerships, other types of multifirm ventures, or no action at all. The Department will not undertake to form specific partnerships. This will be solely at the discretion of the participants.

§ 1160.23 Assistance in establishing Strategic Partnerships.

(a) General. The Department has no funds available for direct financial support for the establishment or operation of a Strategic Partnership.

(b) Information Briefings. The Department plans to hold an initial briefing to acquaint the private sector with the dynamics of the systems approach used in Strategic Partnerships, including how they may offer a means for firms to collaborate primarily in large scale enabling technologies. Additional information and technical assistance may be obtained from the Director, Office of Technology Policy Analyses and Studies, Technology Administration, room 4835, Herbert C. Hoover Building, U.S. Department of Commerce, Washington, DC 20230 (202) 377–1518.

(c) Workshops. Upon request the Department may hold workshops to explore interest in Strategic Partnerships for a specific technology. Working with the requester, Commerce will determine which industries have a stake in the technology, invite the firms from those industries, and design the meeting agenda and background materials. Anyone wishing to apply for such a workshop should direct their inquiry to the Assistant Secretary for Technology Policy, Technology Administration, room 4818, Herbert C. Hoover Building, U.S. Department of Commerce, Washington, DC 20230.

(d) All workshops will be held on a fee basis at no cost to the Department.

§ 1160.24 Antitrust considerations.

(a) The Department of Commerce will offer no opinion on the antitrust merits of the formation of any proposed Strategic Partnership. The Department may seek an opinion from the Antitrust Division of the Department of Justice as to whether a proposed Strategic Partnership would raise antitrust issues.

Furthermore, the role played by the Department of Commerce confers no special immunity to any given Strategic Partnership.

(b) Strategic Partnerships may be formed without any consultation with or involvement by the Department of Commerce; the purpose of the Strategic Partnership Initiative is to make the private sector aware of this vehicle and, where requested, conduct workshops to discuss the formation of such partnerships in general. Commerce will not select the technologies, the number of partnerships, or the specific firms in a given partnership.

§ 1160.25 Coordination/cooperation with other federal agencies.

Where relevant, the Department may seek the cooperation of other Federal agencies and laboratories that may be of assistance to Strategic Partnerships.

§ 1160.26 Proprietary data.

All persons making a request under this part are cautioned that data submitted to the Department may be available for dissemination under the Freedom of Information Act. The Department, however, would withhold any information it deemed proprietary (confidential commercial or financial) on the basis of 5 U.S.C. 552(b)(4). The Department will consult with the submitter of any data requested under the Act, prior to release of such information, if the data is clearly marked "Company Confidential." (See 15 CFR 4.7).

§ 1160.27 Amendment of procedures.

The right to amend or withdraw these procedures is expressly reserved.

5. Part 19, subpart B is redesignated as part 1170.

PART 1170—METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

6. The authority citation for part 1170 is revised to read as follows:

Authority: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a, DOO 10–17 and DOO 10–18.

7. The Table of Contents for part 1170 shall read as follows:

Sec.

1170.1 Purpose.
1170.2 Definition.
1170.3 General Policy.
1170.4 Guidelines.
1170.5 Recommendations for Agency Organization.

[FR Doc. 91–19790 Filed 8–19–91; 8:45 am]
BILLING CODE 3510–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 91–05]

Drawbridge Operation Regulations; Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing regulations for operation of the drawspan of the new Southwest Spokane Street Bridge across the Duwamish West Waterway at Seattle, Washington. The regulation requires vessels to use a special sound signal to request the bridge to open. The signal consists of one prolonged blast followed quickly by three short blasts. This is the same signal that was used at the previous Southwest Spokane Street Bridge before it was removed prior to construction of the present bridge. The regulation that required the use of this signal in addition to other operational procedures for the old bridge was revoked in March 1991, following the demolition of the structure. (49 FR 10513.)

EFFECTIVE DATE: These regulations become effective on September 19, 1991.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch (Telephone: (206 553–5864).)

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553 a notice of proposed rulemaking (NPRM) has not been published for these regulations and they are being made effective in less than 30 days after **Federal Register** publication. Following normal rulemaking procedures would be impracticable because the new drawbridge will be completed and operational before the normal procedure could be accomplished. Implementation of these regulations is necessary to provide continuity in the safe and timely operation of the drawbridges across the Duwamish Waterway. Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the prescribed sound signal for opening the bridge is still reasonable and workable. Interested persons are invited to participate by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with, or any recommended changes in the operation regulations. Persons desiring acknowledgement that their comments were received should enclose a stamped, self-addressed postcard or envelope.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067. The comments and other materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, room 3410. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

Drafting Information

The drafters of this regulation are Austin Pratt, project officer, and Lieutenant Deborah K. Schram, project attorney.

Discussion of the Regulations

At the request of the City of Seattle, owner and operator of the Southwest Spokane Street Bridge, the Coast Guard is establishing drawbridge operation regulations that define the sound signal for opening the drawspan to vessel passage. This sound signal is one prolonged blast followed quickly by three short blasts. The signal will also serve for requesting the simultaneous opening of the Burlington Northern railroad bridge upstream whenever necessary. This is the same signal previously established by the Coast Guard for requesting opening of the old Southwest Spokane Street bridge at the same location. The signal was also used to request the simultaneous opening of the railroad bridge. This railroad bridge, located about one-tenth of a mile upstream from the Southwest Spokane Street Bridge, is normally maintained in the open position except for the passage of trains. Since the vertical clearance of the Burlington Northern railroad bridge is considerably lower than that of the Southwest Spokane Street Bridge, there is a separate and distinct sound signal for requesting the opening of its drawspan by vessels that do not also need the Southwest Spokane Street Bridge to open for passage. This signal, consisting of one prolonged blast followed quickly by one short blast, is the standard opening signal for all drawbridges that have not been assigned special signals. Since this is a standard signal, it will be removed from the text of the special regulation, but it will still apply to the railroad bridge as provided for under the general regulations.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; Feburary 26, 1979).

The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. The use of the special sound signal would not impose undue hardship on waterway users. Since the economic impact of this rulemaking is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.1041 is amended by adding paragraph (b)(1) to read as follows:

§ 117.1041 Duwamish Waterway.

* * * * *

(b) * * *

(1) Burlington Northern railroad bridge, mile 0.4, and Southwest Spokane Street bridge, mile 0.3, one prolonged blast followed quickly by three short blasts.

* * * * *

Dated: August 6, 1991.

J.E. Vorbach,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 91–19598 Filed 8–19–91; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD7 90–52]

RIN 2115–AD88

Regulated Navigation Area; Sparkman Channel, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This notice corrects an error published in the **Federal Register** on July 30, 1991 (56 FR 36005) to "add" vice "revise" a section which already exists. The amendatory language on page 36005, third column, number 2 under PART 165 [AMENDED] is corrected to read as follows:

"2. Section 165.752 is revised to read as follows:"

FOR FURTHER INFORMATION CONTACT: Lt. Paul J. MacDonald, Coast Guard Marine Safety Office, Tampa, Florida, (813) 228–2194.

Dated: August 9, 1991.

John W. Lockwood,

Captain, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 91–19599 Filed 8–19–91; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3983–8]

Approval and Promulgation of Implementation Plans; State of California, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: On May 13, 1991, the California Air Resources Board (CARB) submitted to the EPA revisions to the California State Implementation Plan (SIP) for the Sacramento Metropolitan Air Quality Management District (SMAQMD). This notice takes final action on one rule that controls emissions from dry cleaning facilities. EPA is approving this revision in order to improve and strengthen the existing SIP.

DATES: This action will be effective on October 21, 1991 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be sent to: Colleen W. McKaughan, Chief, State Implementation Plan Section, A–2–3, Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

A copy of this revision and EPA's Evaluation Report for this rule is available for public inspection at EPA, Region 9 during normal business hours. A copy of the submitted rule revision is also available for inspection at the following locations:

California Air Resources Board, Rule Evaluation Section, Stationary Source Division, 1219 K Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8475 Jackson Road, suite 215, Sacramento, CA 95826.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 "M" Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, State Implementation Plan Section, (A–2–3), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Tel: (415) 744–1189 or FTS: 484–1189.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act (CAA) that included the Sacramento Metropolitan Air Quality Management District (SMAQMD). The 1979 ozone plan submitted by the CARB for SMAQMD did not demonstrate attainment of the National Ambient Air Quality Standard (NAAQS) for ozone by the required deadline of December 31, 1982, and CARB requested an extension of that deadline, as provided by the CAA, until December 31, 1987, which EPA approved. On May 26, 1988, EPA notified the Governor of California that the Sacramento portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP call). Upon enactment of the Clean Air Act Amendments of 1990 (CAAA), a deadline of May 15, 1991, was set for submitting corrections to the deficiencies found in SMAQMD's rules. The SIP approved version of rule 445 is one of many rules specified by EPA as being deficient and requiring revision to

meet the requirements of the 1988 SIP-Call and the CAAA.

On May 13, 1991, the CARB submitted to the EPA revisions to the California State Implementation Plan (SIP). This notice acts on one volatile organic compound (VOC) rule that controls emissions from dry cleaning facilities.

EPA's evaluation is provided below.

Description of Rule

Rule 445—Perchloroethylene Dry Cleaning Adopted on November 6, 1990.

Rule 445 Discussion and Evaluation

VOC rules which apply to ozone nonattainment areas must be fully enforceable and strengthen or maintain the existing federally enforceable SIP in order to be approved by EPA. In addition, all VOC rules must satisfy the requirements set forth in section 110 and part D of the CAAA and comply with the EPA requirements in 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), and satisfy EPA policies such as those in appendix D (November 24, 1987; 52 FR 45105), and in the document entitled, "Issues Relating to VOC Regulation Cut Points, Deficiencies, and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register**."

Among the above provisions is the requirement that a VOC rule for areas designated as ozone nonattainment must, at a minimum, provide for the implementation of reasonably available control technology (RACT) for major stationary sources of VOC emissions. For this purpose, EPA has prepared a series of Control Technique Guideline (CTG) documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP.

The CTG document applicable to this notice is EPA–450/2–78–050, Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems.

Rule 445, Perchloroethylene Dry Cleaning, controls volatile organic compound emissions from perchloroethylene dry cleaning systems. This revised rule corrects deficiencies identified by EPA in previous comment letters and incorporates standards set forth in the CTG. Revisions to the rule include the following improvements: New definitions were added to clarify the rule; exemptions for those facilities that use less than 320 gallons per year of perchloroethylene were deleted; the administrative requirements were expanded to include compliance dates; and recordkeeping requirements and test methods were added to the rule. These improvements to the rule should result in decreased emissions and improved enforcement of the rule. The rule, as amended, contains no significant deficiencies and is consistent with EPA guidance. Therefore, it is being approved under section 110 and part D of the Clean Air Act.

EPA Action

EPA's review of these revised rules finds them consistent with the Clean Air Act Amendments of 1990, 40 CFR part 51, and EPA policy. EPA is approving these rule revisions since they are an improvement to the existing SIP. Therefore, EPA is taking final action to approve rule 445 under section 110 and part D of the Clean Air Act.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment action and anticipates no adverse comments. This action will be effective October 21, 1991 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this notice will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective October 21, 1991.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. On January 6, 1991, the Office of Management and Budget extended this waiver for Table 2 and 3 SIP revisions.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 21, 1991. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: August 16, 1991.

John Wise,

Acting Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. In § 52.220, paragraph (c) (182) and (183) are added and reserved. Paragraph (c)(184) is added to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(182) (Reserved).

(183) (Reserved).

(184) New and amended regulations for the following APCDs were submitted on May 13, 1991, by the Governor's designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.

(*1*) Amended rule 445, adopted November 6, 1990.

* * * * *

[FR Doc. 91–19842 Filed 8–19–91; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 261

[SW-FRL-3985-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is granting a final exclusion from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32 for certain solid wastes generated by Geological Reclamation Operations and Waste Systems (GROWS), Incorporated, Morrisville, Pennsylvania. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265, and 268 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists.

EFFECTIVE DATE: August 20, 1991.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW., room M-2427, Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-91-GREP-FFFFF." The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information concerning this notice, contact Chichang Chen, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-7392.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22, facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained at 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine (1) that the waste to be excluded is not hazardous based upon the criteria for which it was listed, and (2) that no other hazardous constituents are present in the waste at levels of regulatory concern.

B. History of this Rulemaking

Geological Reclamation Operations and Waste Systems (GROWS), Incorporated, located in Morrisville, Pennsylvania, petitioned the Agency to exclude from hazardous waste control a specific waste it generates. After evaluating the petition, on September 17, 1990, EPA proposed to exclude GROWS' waste from the lists of hazardous waste under 40 CFR 261.31, 261.32, and 261.33 conditional upon GROWS meeting certain verification testing requirements. See 55 FR 38090.

This rulemaking addresses public comments received on the proposal and finalizes the proposed exclusion.

II. Disposition of Petition

Geological Reclamation Operations and Waste Systems, Incorporated, Morrisville, Pennsylvania

1. Proposed Exclusion

Geological Reclamation Operations and Waste Systems (GROWS), located in Morrisville, Pennsylvania, operates a commercial landfill and wastewater treatment plant. GROWS petitioned the Agency to exclude its wastewater treatment sludge filter cake resulting from the treatment of leachate originating, in part, from its closed landfill containing a mixture of solid wastes and hazardous wastes, and non-hazardous leachate from non-hazardous waste landfills. The petition does not address the wastes disposed in the GROWS landfill or the grit generated during the physical removal (*i.e.*, screening) of heavy solids from the landfill leachate. GROWS' petition is for the wastewater treatment sludge filter cake resulting from the treatment of the following hazardous wastes: EPA Hazardous Waste No. F005—"The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures;" EPA Hazardous Waste No. F006—"Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum;" EPA Hazardous Waste No. F007—"Spent cyanide plating bath solutions from electroplating operations;" EPA Hazardous Waste No. F009—"Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process;" EPA Hazardous Waste No. F019—"Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process;" EPA Hazardous Waste No. K049—"Slop oil emulsion solids from the petroleum refining industry;" EPA Hazardous Waste No. K050—"Heat exchanger bundle cleaning sludge from the petroleum refining industry;" EPA Hazardous Waste No. K051—"API separator sludge from the petroleum refining industry;" EPA Hazardous Waste No. K052—"Tank bottoms (leaded) from the petroleum refining industry;" EPA Hazardous Waste No. K061—"Emission control dust/sludge from the primary production of steel in electric furnaces;" EPA Hazardous Waste No. K062—"Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC codes 331 and 332)" EPA Hazardous Waste No. K084—"Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds;" EPA Hazardous Waste No. K101—"Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds;" EPA Hazardous Waste No. K102—"Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds;" and the following commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products; U007, U012, U019, U031, U037, U042, U051, U052, U055, U057, U080, U107, U113, U122, U140, U147, U151, U154, U159, U161, U165, U188, U210, U220, U223, U226, U227, U228, and U239.

GROWS petitioned the Agency to exclude its wastewater treatment sludge filter cake because it considers the waste to be a "third generation hazardous waste" (*i.e.*, a treatment

residue derived from the treatment of leachate derived from a hazardous waste). GROWS also believes that its treatment process generates a non-hazardous waste. GROWS further believes that the waste is not hazardous for any other reason. In support of its petition, GROWS submitted (1) detailed descriptions of its waste treatment process; (2) results from total constituent and EP toxicity analyses for the EP toxic metals, nickel, and cyanide; (3) results from total constituent analyses for reactive cyanide and reactive sulfide; (4) results from total oil and grease analyses on representative waste samples; (5) results from total constituent analyses for 40 CFR § 261, Appendix VIII hazardous constituents; and (6) results from characteristics testing for ignitability, corrosivity, and reactivity.

The Agency evaluated the information and analytical data provided by GROWS in support of its petition and determined that the hazardous constituents found in the petitioned waste would not pose a threat to human health and the environment. In order to evaluate the potential hazards of petitioned waste, the Agency considered the appropriateness of alternative disposal scenarios for filter cake wastes and decided that disposal in a landfill is the most reasonable, worst-case scenario. Under a landfill disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. Specifically, the Agency used its vertical and horizontal spread (VHS) landfill model and organic leachate model (OLM) to evaluate the potential mobility of the hazardous constituents detected in GROWS' wastewater treatment sludge filter cake. Based on this evaluation, the Agency determined that the constituents in GROWS' waste would not migrate at concentrations above the health-based levels used in delisting decision-making.

The verification testing conditions attached to the exclusion are designed to ensure that the wastewater treatment sludge filter cake does not contain the constituents of concern at concentrations above the health-based levels. See 55 FR 38090, September 17, 1990 for a more detailed explanation of why EPA proposed to grant GROWS' petition for its wastewater treatment sludge filter cake.

2. Correction

Although GROWS was correct in describing its filter cake as EPA Hazardous Waste Nos. F005, F006, F007, F009, F019, K049–K052, K061, K062, K084, K101 K102, U007, U012, U019, U031, U037, U042, U051, U052, U055, U057, U080, U107, U113, U122, U140, U147, U151, U154, U159, U161, U165, U188, U210, U220, U223, U226, U227, U228, and U239 in its initial petition, the Agency has since designated a new EPA Hazardous Waste No. for multi-source leachates (or wastes derived from multi-source leachates (see 55 FR 22619, June 1, 1990). The Agency established a single EPA Hazardous Waste No. for multi-source leachates for several reasons, including to facilitiate the implementation and enforcement of treatment standards promulgated through the Land Disposal Restrictions Program. For a complete discussion of why the Agency established a single EPA Hazardous Waste No. for multi-source leachates see 55 FR 22619.

As a result of the Agency's reclassification of multi-source leachates, GROWS' waste is now classified as EPA Hazardous Waste No. F039—"Leachate resulting from the treatment, storage, or disposal of wastes classified by more than one waste code under subpart D, or from a mixture of wastes classified under subparts C and D of this part." The reclassification of GROWS' filter cake to F039 does not affect the Agency's decision to exclude GROWS' filter cake, after meeting certain verification testing requirements, from the applicable subtitle C regulations. Specifically, when the Agency evaluated GROWS' filter cake, EPA considered all of the hazardous constituents potentially present in the waste, and not just the listed constituents of concern. See 55 FR 38090, September 17, 1990.

The Agency also wishes to clarify that the exclusion will allow GROWS to handle hazardous leachate derived only from the "old" GROWS landfill and non-hazardous leachate from only non-hazardous waste landfills. As a result, the Agency has slightly modified the proposed rule to explicitly state that GROWS can only treat hazardous leachate originating from the "old" GROWS landfill, and non-hazardous leachate from non-hazardous landfills.

3. Response to Public Comments

The Agency received public comments from one interested party. This commenter supported the Agency's decision, and proposed several changes. The comments submitted relate to the following areas: (1) Reducing the frequency of sample collection, compositing, and analysis; (2) Reducing the list of constituents for verification testing; (3) Exempting the unverified waste from the 90-day limit on storage of hazardous waste without a permit under 40 CFR 262.34; and (4) Designating the Toxicity Characteristic Leaching Procedure (TCLP) in the verification testing conditions. The specific comments made by the commenter regarding the Agency's proposed decision to exclude GROWS' petitioned waste are discussed below.

(a) *Reducing the frequency of sample collection, compositing, and analysis.* The commenter believed that the composite samples for the verification testing should be collected over a period of eight, rather than four weeks. Specifically, the commenter did not believe that the longer collection period would result in significantly different analytical results because the treatment process will not change, and the leachate is monitored (pursuant to the NPDES requirements) to ensure that the effectiveness of the treatment process remains consistent.

The Agency disagrees with the commenter. First, even if the treatment process and its effectiveness remain constant, the composition of the leachate being treated may change over time. Although the petitioner did not describe its NPDES monitoring program (*e.g.*, sampling point, method, frequency, or analytes), the Agency does not believe that such a program would ensure that the filter cake quality would remain consistent. Furthermore, in order for GROWS to meet its discharge limitations, the hazardous constituents in the leachate need to be reduced and precipitated out in the sludge. As a result, monitoring the effluent would not ensure that the filter cake meets the delisting verification testing levels. Second, increasing the sample collection period from four to eight weeks might result in the masking of variations in the composition of the filter cake.

(b) *Reducing the list of constituents for verification testing.* The commenter agreed with the Agency's proposal not to include verification testing for chlorinated dioxins and furans and certain constituents without health-based levels (listed on Table 10 of the proposal). The Agency notes that it did not receive any public comments requesting that GROWS test for chlorinated dioxins and furans and/or the constituents without health-based levels; therefore, for the reasons discussed in the proposal, the Agency will not require GROWS to analyze for these constituents.

The commenter also believed that the analytical data from the first year of verification testing would provide an adequate basis for reducing the list of constituents for verification testing. After the first year, the commenter proposed that the filter cake be analyzed for the full list of constituents

once every six months (or for every 500 tons of filter cake), and that the remaining composite samples be analyzed only for constituents measured at a concentration greater than or equal to their practical quantitative limits (PQL) during the first year.

Although the Agency understands the commenter's concerns regarding the analytical burden of tests for the full list of verification constituents, EPA does not believe that the data provided in the petition support a reduction in the list as suggested by the commenter. The data submitted by the petitioner from samples collected in June 1983 and April 1987 show that both the type and concentration of hazardous constituents present in the filter cake changed somewhat during the four years between samples. In addition, the information available about the wastes in the landfill and the processes affecting them is insufficient for the Agency to determine if or when specific hazardous constituents might appear in the leachate. Analytical data from one year of verification testing is currently not available, and until such data is collected and submitted, the Agency has no basis to decide whether reduced testing requirements are warranted.

Given the above circumstances, the Agency does not believe, at this time, that it would be appropriate to reduce the list of analytes. The Agency notes, however, that the petitioner may petition the Agency to reduce the list of analytes once a sufficiently large set of analytical data is compiled. At such time, if the data base is sufficiently large to demonstrate that the waste is not variable, the Agency may consider reducing either the list of constituents or frequency of analysis.

(c) *Exempting the unverified waste from the 90-day limit on storage of hazardous waste without a permit under CFR 262.34.* The commenter requested that GROWS be exempted from 40 CFR 262.34 so that the unverified filter cake could be stored for more than 90 days without a permit. While the commenter agreed that the filter cake should be managed as hazardous waste until it is verified as being non-hazardous, the commenter also believed that the 90-day limit should not apply to the filter cake until it is demonstrated to be hazardous. The commenter justified its request by saying that GROWS' facilities for storage are fully adequate for a period greater than 90 days, and that it is not expected that such storage will occur for more than a few days beyond the 90 day period.

The Agency does not believe there is sufficient need or justification for waiving the 90-day limit. First, conditionally excluded wastes are considered to be hazardous until the verification testing has demonstrated that none of the delisting levels are exceeded.

Furthermore, the commenter stated that, if the verification testing is performed every eight weeks, the filter cake would only have to be stored a few days beyond the 90-day period. The Agency, however, is requiring GROWS to perform verification testing every four weeks; therefore, GROWS should have sufficient time to complete all analyses of the waste well within the 90- day period.

(d) The explicit designation of the Toxicity Characteristic Leaching Procedure (TCLP) in the verification testing conditions. The commenter requested that the language of the verification testing conditions requiring that leachable metal concentrations in the filter cake be measured per 40 CFR 261.24, be amended to indicate that the Toxicity Characteristic Leaching Procedure (TCLP) must be used. The commenter noted that the TCLP was recently promulgated as part of EPA's Toxicity Characteristic rule. The Agency, however, does not believe that there is any need to make such a change because the Toxicity Characteristic rule cited by the commenter did, in fact, change 40 CFR 261.24 to specify the use of the TCLP method. Therefore, EPA's reference to 40 CFR 261.24 unambiguously establishes the TCLP as the method to be used.

4. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that the wastewater treatment sludge filter cake, after meeting the verification testing requirements specified in the exclusion, should be excluded from hazardous waste control. The Agency, therefore, is granting a final conditional exclusion to Geological Reclamation Operations and Waste Systems, Incorporated, located in Morrisville, Pennsylvania, for its wastewater treatment sludge filter cake, determined by the Agency to be EPA Hazardous Waste No. F039, but specifically described in its petition as EPA Hazardous Waste Nos. F005, F006, F007, F009, F019, K049, K050, K051, K052, K061, K062, K084, K101, K102, U007, U012, U019, U031, U037, U042, U051, U052, U055, U057, U080, U107, U113, U122, U140, U147, U151, U154, U159, U161, U165, U188, U210, U220, U223, U226, U227, U228, and U239. The exclusion only applies to a maximum of 1,000 cubic yards of wastewater treatment sludge filter cake generated annually by the processes covered by the original demonstration. The facility would require a new exclusion if the processes that treat the leachate are significantly altered such that an adverse change in waste composition or increase in waste value occurred. Accordingly, the facility would need to file a new petition for the altered waste. The facility must manage waste generated either in excess of 1,000 cubic yards per year or from changed processes as hazardous until a new exclusion is granted. Due to the possible variability of the landfill leachate, the delisting is a conditional exclusion requiring batch testing of the filter cake. GROWS will be required to test monthly composite samples for a broad list of constituents having health-based levels and analytical methods.

Although management of the waste covered by this petition is relieved from subtitle C jurisdiction, the generator of a delisted waste must treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Limited Effect of Federal Exclusion

The final exclusion being granted today is being issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own, non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally-issued exclusion from taking effect in the State. Since a petitioner's waste may be regulated under a dual system (*i.e.*, both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact their State regulatory authority to determine the current status of their wastes under State law.

IV. Effective Date

This rule is effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for

persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this rule should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administrative Procedures Act, pursuant to 5 U.S.C. 553(d).

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule to grant an exclusion is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous. There is no additional economic impact, therefore, due to today's rule.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations and is limited to one facility. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: August 2, 1991.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
•	•	•
Geological Reclamation Operations and Systems, Inc.	Morrisville, PA.....	Wastewater treatment sludge filter cake from the treatment of EPA Hazardous Waste No. *F039*, generated at a maximum annual rate of 1,000 cubic yards. This exclusion was published on August 20, 1991. This exclusion covers the filter cake resulting from the treatment of hazardous leachate derived from only "old" GROWS and non-hazardous leachate derived from only non-hazardous sources. This exclusion does not address the wastes disposed of in the "old" GROWS Landfill or the grit generated during the removal of heavy solids from the landfill leachate. To ensure that hazardous constituents are not present in the filter cake at levels of regulatory concern, GROWS must implement a testing program for the petitioned waste. This testing program must meet the conditions listed below in order for the exclusion to be valid: (1) *Testing:* Sample collection and analyses, including quality control (QC) procedures, must be performed according to SW–846 methodologies. (A) *Sample Collection:* Each batch of waste generated over a four-week period must be collected in containers with a maximum capacity of 20-cubic yards. At the end of the four-week period, each container must be divided into four quadrants and a single, full-depth core sample shall be collected from each quadrant. All of the full-depth core samples then must be composited under laboratory conditions to produce one representative composite sample for the four-week period. (B) *Sample Analysis:* Each four-week composite sample must be analyzed for all of the constituents listed in Condition (3). The analytical data, including quality control information, must be compiled and maintained on site for a minimum of three years. These data must be furnished upon request by any employee or representative of EPA or state of Pennsylvania. (2) *Waste Holding:* The dewatered filter cake waste must be stored as hazardous until the verification analyses are completed. If the four-week composite sample does not exceed any of the delisting levels set in Condition (3), the filter cake waste corresponding to this sample may be managed and disposed of in accordance with all applicable solid waste regulations. If the four-week composite sample exceeds any of the delisting levels set in Condition (3), the filter cake waste generated during the time period corresponding to the four-week composite sample must be retreated until it meets these levels (analyses must be repeated) or managed and disposed of in accordance with Subtitle C of RCRA. Filter cake waste which is generated but for which analyses are not complete or valid must be managed and disposed of in accordance with Subtitle C of RCRA, until valid analyses demonstrate that the waste meets the delisting levels. (3) *Delisting Levels:* If the concentrations in the four-week composite sample of the filter cake waste for any of the hazardous constituents listed below exceed their respective maximum allowable concentrations (ppm) also listed below, the four-week batch of failing filter cake waste must either be retreated until it meets these levels or managed and disposed of in accordance with Subtitle C of RCRA. (A) Inorganics (Leachable): Arsenic..... 0.79

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description	
		Barium	15.9
		Cadmium	0.16
		Chromium	0.79
		Cyanide	11.1
		Lead	0.79
		Mercury	0.032
		Selenium	0.16
		Silver	0.79
		Nickel	11.1
		Leachable metal concentrations must be measured in the filter cake leachate as per 40 CFR § 261.24. Cyanide extractions must be conducted using distilled water in place of the leaching media per 40 CFR § 261.24.	
		(B) Organics:	
		Acetone	2.02E+03
		Acetophenone	3.53E+04
		Acetonitrile; Methyl cyanide	2.43E+01
		Acrolein	1.38E+02
		Acrylonitrile	6.26E−04
		Aldrin	5.27E−03
		Aniline	8.72E−01
		Anthracene	3.01E+02
		Benzene	3.47E+00
		Benzo[a]anthracene	5.78E−01
		Benzo(b)fluoranthene	6.41E−01
		Benzo(k)fluoranthene	3.04E+03
		Benzo[a]pyrene	1.51E−01
		gamma-BHC; Lindane	5.90E−01
		Bis(2-chloroethyl) ether	6.94E−04
		Bis(2-ethylhexyl) phthalate	1.64E+02
		Bromodichloromethane	2.94E+03
		Bromoform; Tribromomethane	3.76E+03
		Butyl benzyl phthalate	2.49E+05
		Carbon disulfide	4.98E+04
		Carbon tetrachloride	5.49E+00
		Chlordane	7.51E+01
		p-Chloroaniline	1.85E+02
		Chlorobenzene	5.95E+02
		Chlorobenzilate	1.68E+03
		p-Chloro-m-cresol	5.18E+02
		Chloroform	1.94E+00
		2-Chlorophenol	1.72E+02
		Chrysene	5.92E+01
		Cresol	4.91E+03
		2,4-D; 2,4-Dichlorophenoxyacetic acid	4.17E+02
		4,4'-DDD; DDD	2.33E+00
		4,4'-DDE; DDE	3.86E+00
		4,4'-DDT; DDT	1.21E+01
		Dibenz[a,h]anthracene	2.86E−02
		Dibromochloromethane; Chlorodibromomethane	3.05E+03
		1,2-Dibromo-3-chloropropane	4.09E−02
		1,2-Dibromoethane; Ethylene dibromide	2.37E−03
		Di-n-butyl phthalate	9.84E+05
		o-Dichlorobenzene; 1,2-Dichlorobenzene	1.95E+04
		m-Dichlorobenzene; 1,3-Dichlorobenzene	1.87E+05
		p-Dichlorobenzene; 1,4-Dichlorobenzene	1.03E+03
		3,3'-Dichlorobenzidine	2.21E−01
		Dichlorodifluoromethane	4.15E+05
		1,1-Dichloroethane	4.45E−02
		1,2-Dichloroethane; Ethylene dichloride	1.45E+00
		1,1-Dichloroethylene	4.96E+00
		trans-1,2-Dichloroethylene	1.42E+02
		2,4-Dichlorophenol	1.69E+02
		1,2-Dichloropropane	2.73E+00
		1,3-Dichloropropene (total cis and trans isomers)	2.32E−02
		Dieldrin	5.04E−03
		Diethyl phthalate	1.00E+06
		Dimethoate	1.32E+00
		7,12-Dimethylbenz[a]anthracene	1.46E−02
		2,4-Dimethylphenol	4.87E+01
		Dimethyl phthalate	1.00E+06
		m-Dinitrobenzene	5.14E+00
		4,6-Dinitro-o-cresol	2.00E+02
		2,4-Dinitrophenol	8.96E+01
		Dinitrotoluene (total of-2,4- and 2,6- isomers)	4.54E−03
		Dinoseb; DNBP	5.26E+02
		Di-n-octyl phthalate	1.34E+05
		1,4-Dioxane	7.89E−02
		Diphenylamine	4.81E+04
		Disulfoton	3.34E+00
		Endosulfan I and Endosulfan II (total)	7.74E+01

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description	
		Endrin	3.92E+00
		Ethylbenzene	1.94E+04
		Fluoranthene	1.16E+05
		Fluorene	4.09E+01
		Heptachlor	1.31E+01
		Heptachlor epoxide	3.26E+00
		Hexachlorobenzene	1.02E+00
		Hexachlorobutadiene	2.01E+01
		Hexachlorocyclopentadiene	3.23E+04
		Hexachloroethane	1.15E+01
		Hexachlorophene;	1.22E+04
		Indeno (1,2,3-cd) pyrene	1.18E+02
		Isobutyl alcohol; Isobutanol	3.22E+04
		Isophorone	2.66E+00
		Methacrylonitrile; 2-methyl-2-Propenenitrile	5.77E−01
		Methoxychlor	1.03E+05
		Methylbromide; Bromomethane	1.41E+02
		Methyl chloride; Chloromethane	3.22E+04
		Methylene chloride; Dichloromethane	9.07E−01
		Methyl ethyl ketone; 2-Butanone	1.50E+03
		Methyl methacrylate	5.08E+05
		Methyl parathion; Phosphorothioic acid	5.27E+01
		4-Methyl-2-pentanone, Methyl isobutyl ketone	6.40E+03
		Naphthalene	1.00E+06
		Nitrobenzene	2.56E+01
		N-Nitroso-di-n-butylamine	8.15E−05
		N-Nitrosodiethylamine	2.00E−07
		N-Nitrosodimethylamine	2.19E−05
		N-Nitrosodiphenylamine	4.55E+01
		N-Nitrosodipropylamine; Di-n-propylnitrosamine; N-Nitrosodi-n-propylamine	5.02E−05
		Nitrosopyrrolidine; N-Nitrosopyrrolidine; I-nitroso-Pyrrolidine	3.06E−05
		Polychlorinated biphenyls;	4.77E+01
		Pentachlorobenzene	8.91E+03
		Pentachloronitrobenzene	2.82E+00
		Pentachlorophenol	1.14E+04
		Phenanthrene	5.46E+01
		Phenol	8.00E+04
		Pronamide	2.13E+05
		Pyrene	1.00E+06
		Pyridine	1.31E+01
		Silvex; 2,4,5-TP; 2-(2,4,5-trichlorophenoxy)-Propanoic acid	3.87E+01
		Styrene	9.14E+00
		2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	6.63E+03
		1,2,4,5-Tetrachlorobenzene	2.19E+02
		1,1,2,2-Tetrachloroethane	2.28E−02
		Tetrachloroethene; Tetrachloroethylene	1.34E+01
		2,3,4,6-Tetrachlorophenol	1.17E+04
		Tetraethyl dithiopyrophosphate	2.51E+02
		Toluene	4.58E+04
		Toxaphene	3.09E+02
		1,2,4-Trichlorobenzene	4.75E+04
		1,1,1-Trichloroethane	8.70E+02
		1,1,2-Trichloroethane	9.03E−02
		Trichloroethylene; Trichloroethene	4.47E+00
		Trichlorofluoromethane	3.31E+05
		2,4,5-Trichlorophenol	8.20E+04
		2,4,6-Trichlorophenol	1.38E+00
		1,2,3-Trichloropropane	5.46E+02
		sym-Trinitrobenzene	2.17E+00
		Vinyl chloride	7.11E−01
		Xylene (total)	8.49E+05

[FR Doc. 91–19758 Filed 8–19–91; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7519]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the

effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal finanical assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance with the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Regular Program Conversions				
Region I				
Maine: Paris, town of, Oxford County	230097	Feb. 26, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	September 27, 1991.	Sept. 27, 1991
Vermont:				
Corinth, town of, Orange County	500071	Aug. 1, 1975, Emerg; June 30, 1976, Reg; Sept. 27, 1991, Susp	.....do.....	Do.
Groton, town of, Caledonia County	500026	July 21, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	.....do.....	Do.
Topsham, town of, Orange County	500241	June 1, 1976, Emerg; Sept. 18, 1985, Reg; Sept. 27, 1991, Susp	.....do.....	Do.
Vernon, town of, Windham County	500137	June 25, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	.....do.....	Do.
Region II				
New York:				
Corning, town of, Steuben County	360773	Mar. 23, 1973, Emerg; Aug. 3, 1981, Reg; Sept. 27, 1991 Susp	.....do.....	Do.
Woodstock, town of, Ulster County	360868	May 28, 1975, Emerg; Sept. 27, 1991, Reg; Sept 27, 1991, Susp	.....do.....	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region III				
West Virginia:				
Alderson, town of, Greenbrier and Monroe Counties.	540041	Mar. 7, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Keyser, city of, Mineral County	540130	May 13, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Mineral County, unincorporated areas	540129	Dec. 30, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Piedmont, city of, Mineral County	540131	Apr. 7, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Randolph County, unincorporated areas	540175	Aug. 7, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Richwood, city of, Nicholas County	540147	Nov. 29, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Region IV				
Georgia: Austell, city of, Cobb and Douglas Counties.	130054	Aug. 30, 1974, Emerg; Dec. 1, 1977, Reg; Sept. 27, 1991, Susp	do	Do.
Region V				
Minnesota:				
Colquet, city of, Carlton County	270042	Apr. 26, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Reg	do	Do.
Hibbing, city of, St. Louis County	270577	Apr. 30, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Ranier, city of, Koochiching County	270238	Oct. 28, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Ohio:				
Perry County, unincorporated areas	390778	May 19, 1977, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Pickaway County, unincorporated areas	390445	Mar. 20, 1978, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Union County, unincorporated areas	390808	Mar. 16, 1977, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Wisconsin:				
Crawford County, unincorporated areas	555551	Mar. 19, 1971, Emerg; Apr. 20, 1973, Reg; Sept. 27, 1991, Susp	do	Do.
Independence, city of, Trempealeau County	550444	July 5, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp	do	Do.
Richland County, unincorporated areas	550356	June 16, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Region VI				
Arkansas: Mayflower, city of, Faulkner County	050079	Feb. 27, 1975, Emerg; Mar. 15, 1983, Reg; Sept. 27, 1991, Susp.	do	Do.
Louisiana: St. Helena Parish, unincorporated areas	220161	Feb. 3, 1976, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
New Mexico: Dona Ana County, unincorporated areas.	350012	Jan. 19, 1976, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Oklahoma:				
Apache, city of, Caddo County	400019	Aug. 6, 1975, Emerg; May 15, 1985, Reg; Sept. 27, 1991, Susp.	do	Do.
Binger, town of, Caddo County	400020	Sept. 16, 1975, Emerg; Nov. 19, 1987, Reg; Sept. 27, 1991, Susp.	do	Do.
Enid, city of, Garfield County	400062	Nov. 2, 1973, Emerg; Mar. 15, 1979, Reg; Sept. 27, 1991, Susp.	do	Do.
Fort Cobb, town of, Caddo County	400022	Nov. 1, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Gracemont, town of, Caddo County	400023	Nov. 24, 1975, Emerg; Aug. 19, 1985, Reg; Sept. 27, 1991, Susp.	do	Do.
Hydro, town of, Caddo County	400024	Jan. 9, 1987, Emerg; Nov. 1, 1989, Reg; Sept. 27, 1991, Susp.	do	Do.
Lookeba, town of, Caddo County	400025	Feb. 18, 1976, Emerg; July 13, 1982, Reg; Sept. 27, 1991, Susp.	do	Do.
Okmulgee County, unincorporated areas	400492	Apr. 1, 1985, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Nash, town of, Grant County	400311	May 6, 1990, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Texas:				
Bowie County, unincorporated areas	481194	Feb. 17, 1981, Emerg; Sept. 8, 1988, Reg; Sept. 27, 1991, Susp.	do	Do.
Cedar Park, city of, Williamson County	481282	June 4, 1981, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Florence, city of, Williamson County	480669	Apr. 2, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Georgetown, city of, Williamson County	480668	June 3, 1974, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.
Granger, city of, Williamson County	481046	Aug. 10, 1979, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	do	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Henderson, city of, Rusk County	480551	Mar. 24, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Johnson County, unincorporated areas	480879	Aug. 25, 1989, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Leander, city of, Williamson County	481536	Dec. 21, 1978, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Midland County, unincorporated areas	481239	Mar. 8, 1978, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Midland, city of, Williamson County	480477	May 16, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Parker County, unincorporated areas	480520	Jan. 22, 1979, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Round Rock, city of, Williamson County	481048	Apr. 1, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Region VII				
Kansas:				
Edgerton, city of, Johnson County	200162	Jan. 12, 1976, Emerg; Aug 1, 1979, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Fairway, city of, Johnson County	205185	June 12, 1970, Emerg; Apr. 23, 1971, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Johnson County, unincorporated areas	200159	Sept. 17, 1979, Emerg; Aug. 15, 1980, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Leawood, city of, Johnson County	200167	Sept. 1, 1972, Emerg; Sept. 30, 1977, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Lenexa, city of, Johnson County	200168	June 12, 1975, Emerg; Aug. 1, 1977, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Merriam, city of, Johnson County	200169	Apr. 14, 1975, Emerg; May 15, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Mission, city of, Johnson County	200170	May 23, 1975, Emerg; May 15, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Mission Hills, city of, Johnson County	200171	May 7, 1975, Emerg; Sept. 29, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Olathe, city of, Johnson County	200173	Jan. 19, 1973, Emerg; Nov. 15, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Overland Park, city of, Johnson County	200174	Sept. 8, 1972, Emerg; Sept. 30, 1977, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Prairie Village, city of, Johnson County	200175	Mar. 26, 1975, Emerg; Sept. 29, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Shawnee, city of, Johnson County	200177	Feb. 24, 1975, Emerg; Nov. 15, 1978, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Region VIII				
Colorado:				
Meeker, town of, Rio Blanco County	080151	Apr. 28, 1975, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Parachute, town of, Garfield County	080215	Sept. 11, 1985, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Weld County, unincorporated areas	080266	Sept. 16, 1974, Emerg; Mar. 18, 1980, Reg; Sept. 27, 191, Susp.	....do....	Do.
Wyoming:				
Laramie County, unincorporated areas	560029	May 21, 1980, Emerg; May 21, 1980, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Region IX				
California:				
Simi Valley, city of, Ventura County	060421	Mar. 12, 1971, Emerg; Sept. 27, 1991, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Solando County, unincorporated areas	060831	Mar. 23, 1979, Emerg; Aug. 2, 1982, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Region X				
Oregon:				
Grants Pass, city of, Josephine County	410108	Apr. 24, 1974, Emerg; Apr. 15, 1981, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Jackson County, unincorporated areas	415589	Dec. 31, 1970, Emerg; Apr. 1, 1982, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Josephine County, unincorporated areas	415590	Dec. 31, 1970, Emerg; June 1, 1982, Reg; Sept. 27, 1991, Susp.	....do....	Do.
Minimal Conversions				
Region V				
Michigan:				
Iron Mountain, city of, Isabella County		Apr. 8, 1975, Emerg; Oct. 16, 1991, Reg; Oct. 16, 1991, Susp.	Oct. 16, 1991	Oct. 16, 1991.
Sherman, township of, Isabella County		Dec. 15, 1986, Emerg; Sept. 18, 1987, Reg; Oct. 16, 1991 Susp.	....do....	Do.
Illinois: Ashton, village of, Lee County		May 2, 1975, Emerg; Apr. 30, 1986, Reg; Sept. 4, 1991, Susp.	Apr. 30, 1986	Sept. 4, 1991.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: July 30, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–19812 Filed 8–19–91; 8:45 am]

BILLING CODE 6718–21–M

44 CFR Part 64

[Docket No. FEMA 7520]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, SW., room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Texas: Hughes Springs, city of, Cass County	480734	July 2, 1991	Aug. 27, 1976.
Kansas: Holcomb, city of, Finney County	200868	.....do	
New Mexico: Grant County, unincorporated areas	350121	.....do	Aug. 9, 1977.
Arkansas: Calhoun County, unincorporated areas	050421	July 9, 1991	
South Carolina: Edgefield County, unincorporated areas	450229	July 12, 1991	Jan. 20, 1978.
Michigan: Burns, township of, Shiawassee County	260762	July 23, 1991	
Texas: Upton County, unincorporated areas	481248	.....do	
Ohio:			
West Jefferson, village of, Madison County	390638	July 24, 1991	July 25, 1975.
Nevada, village of, Wyandot County	390722	July 31, 1991	Nov. 19, 1976.
Wellston, city of, Jackson County	390293	.....do	June 11, 1976.
New Eligible—Regular Program			
Tennessee: Crump, town of, Hardin County [1]	470400	July 1, 1991	Apr. 2, 1991.
California: Diamond Bar, city of, Los Angeles County [2]	060741	July 31, 1991	Dec. 2, 1980.
Reinstatements—Regular Program			
Pennsylvania:			
Oswayo, borough of, Potter County	420763	Apr. 29, 1975, Emerg; June 1, 1987, Reg; June 1, 1987, Susp; July 1, 1991, Rein.	June 1, 1987
East Fork District of Eulalia borough, Potter County	421975	Feb. 19, 1980, Emerg; June 1, 1987, Reg; June 1, 1987, Susp; July 1, 1991, Rein.	Do.
New Hampshire: Bridgewater, town of, Grafton County	330046	Sept. 5, 1975, Emerg; June 17, 1991, Rein; June 17, 1991, Susp; July 9, 1991, Rein.	June 17, 1991.
Illinois: Crossville, village of, White County	170682	May 23, 1975, Emerg; Dec. 18, 1984, Reg; Dec. 18, 1984, Reg; July 16, 1991, Rein.	Dec. 18, 1984.
Regular Program Conversions			
Region IV			
Georgia: Gordon County, unincorporated areas	130094	July 2, 1991, Suspension withdrawn	July 2, 1991.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Region V			
Illinois: Hamburg, village of, Calhoun County	170734	do	Do.
Region VI			
New Mexico: Valencia County, unincorporated areas	350086	do	Do.
Region VIII			
Wyoming: Cheyenne, city of, Laramie County	560030	do	Do.
Region X			
California: Big Bear Lake, city of, San Bernardino County	060731	do	Do.
Region I			
Connecticut:			
Derby, city of, New Haven County	090075	July 16, 1991, suspension withdrawn	July 16, 1991.
Seymour, town of, New Haven County	090088	do	April 16, 1991.
Maine:			
North Haven, town of, Knox County	230228	do	July 16, 1991.
Penobscot, town of, Hancock County	230290	do	Do.
Region IV			
Florida:			
Baker County, unincorporated areas	120419	do	Do.
Jefferson County, unincorporated areas	120331	do	Do.
North Carolina:			
Martin County, unincorporated areas	370115	do	Do.
Sampson County, unincorporated areas	370220	do	Do.
Region VI			
New Mexico: Hobbs, city of, Lea County	350029	do	Do.

[1] The Town of Crump (#470400) has adopted Hardin County's Flood Insurance Study and Flood Insurance Rate Map dated April 2, 1991 for floodplain management and insurance purposes (Panels 75 and 125).

[2] The City of Diamond Bar, California has adopted Los Angeles County's Flood Insurance Study with accompanying Flood Insurance Rate Map (FIRM) dated *December 2, 1980* for floodplain management and insurance purposes.

Code of reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Issued: August 8, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-19813 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 65

[Docket No. FEMA-7033]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: These modified base flood elevations are currently in effect and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2754.

SUPPLEMENTARY INFORMATION: Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.4.)

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona	Coconino	City of Flagstaff (Docket No. 7029)	Apr. 12, 1991, Apr. 19, 1991, *Arizona Daily Sun.*	The Honorable Christopher Bavasi, Mayor, City of Flagstaff, 211 West Aspen Avenue, Flagstaff, Arizona 86001.	Apr. 4, 1991	040020 B
California	Sacramento	Unincorporated areas	July 24, 1991, July 31, 1991, *Sacramento Bee.*	The Honorable Douglas M. Fraleigh, Director, Sacramento County Department of Public Works, 827 Seventh Street, room 304, Sacramento, California 95814.	July 18, 1991	060262
	Santa Barbara	Unincorporated areas	Aug. 15, 1991, Aug. 22, 1991, *Santa Barbara News Press.*	The Honorable Diane Owens, Chairperson, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California 93101.	July 26, 1991	060331
	Ventura	Unincorporated areas	Aug. 23, 1991, Aug. 31, 1991, *Star-Free Press.*	The Honorable John K. Flynn, Chairman, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009.	July 25, 1991	060413
Colorado	Adams and Jefferson	City of Westminster	July 25, 1991, Aug. 1, 1991, *Westminster Sentinel.*	The Honorable George Hovorka, Mayor, City of Westminster, 3031 West 76th Avenue, Westminster, Colorado 80030.	July 1, 1991	080008
	Arapahoe	City of Greenwood Village.	July 24, 1991, July 31, 1991, *Villager.*	The Honorable Rollin Barnard, Mayor, City of Greenwood Village, 6060 South Quebec Street, Greenwood Village, Colorado 80111–4591.	July 15, 1991	080195
Georgia	Chatham	Unincorporated areas	Aug. 2, 1991, Aug. 9, 1991 *Savannah News Press.*	The Honorable Russell E. Abolt, County Manager, Chatham County, P.O. Box 8161, Savannah, Georgia 31412.	July 24, 1991	130030
Louisiana	Unincorporated areas	St. Tammany Parish	Aug. 1, 1991, Aug. 8, 1991, *The Times-Picayune.*	Mr. Steve Stefancik, President of the St. Tammany Parish Police Jury, P.O. Box 628, Covington, Louisiana 70434.	July 25, 1991	225205 D
Tennessee	Sumner	Cities of Gallatin and Hendersonville.	Aug. 9, 1991, Aug. 16, 1991 *News Examiner.*	The Honorable Bethel Brown, County Executive, Sumner County, 355 North Belvedere Drive, Gallatin, Tennessee 37066.	July 26, 1991	470349
Texas	Bexar	Town of Shavano Park.	July 25, 1991, Aug. 1, 1991, *The Northwest Recorder Times.*	The Honorable Linda Zuflacht, Mayor of the Town of Shavano Park, Bexar County, 99 Saddletree Road, San Antonio, Texas 78231.	July 18, 1991	480047 B

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–19808 Filed 8–19–91; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California	Sacramento (FEMA Docket No. 7021).	Unincorporated areas	Apr. 19, 1991 and Apr. 26, 1991, *Sacramento Bee.*	Mr. Douglas M. Fraleigh, Director, Sacramento County Department of Public Works, 827 Seventh Street, room 301, Sacramento, California 95814.	Apr. 5, 1991	060262
Illinois	Cook (FEMA Docket No. 7014).	Village of Schaumburg	Feb. 7, 1991, Feb. 14, 1990, *Schaumburg Review.*	The Honorable Al Larson, Mayor of the Village of Schaumburg, 101 Schaumburg Court, Schaumburg, Illinois 60193.	Jan. 28, 1991	170158 C
New Jersey	Monmouth (FEMA Docket No. 7014).	Borough of Sea Bright	Jan. 24, 1991, Jan. 31, 1991, *Asbury Park Press.*	The Honorable Charles Rooney, Jr., Mayor of the Borough of Sea Bright, 1167 Ocean Avenue, Sea Bright, New Jersey 07760.	Jan. 14, 1991	345317 B

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
North Carolina	Alamance (FEMA Docket No. 7021).	Unincorporated Areas	Apr. 29, 1991, May 6, 1991, *The Daily Times News.*	The Honorable Robert C. Smith, Alamance County Manager, Alamance County Office Building, 124 West Elm Street, Graham, North Carolina 27253.	Apr. 19, 1991	370001
Oklahoma	Cleveland (FEMA Docket No. 7018).	City of Norman	Mar. 14, 1991, Mar. 21, 1991, *The Norman Transcript.*	The Honorable Vick Reynolds, Mayor of the City of Norman, P.O. Box 370, Norman, Oklahoma 73070.	Mar. 7, 1991	400046 B
Texas	Fort Bend (FEMA Docket No. 7018).	Fort Bend County Levee Improvement District No. 7.	Apr. 4, 1991, Apr. 11, 1991, *The Herald Coaster.*	Mr. Timothy G. Green, Attorney for the District c/o Rose & Ryman, Inc., 6671 SW Freeway, Suite 500, Houston, Texas 77074.	Mar. 8, 1991	481594 B&C
	Potter & Randall (FEMA Docket No. 7018).	City of Amarillo	Mar. 19, 1991, Mar. 26, 1991, *The Amarillo Globe News.*	The Honorable Keith Adams, Mayor of the City of Amarillo, Potter & Randall Counties, P.O. Box 1971, Amarillo, Texas 79166.	Mar. 12, 1991	480529 A
	Tarrant and Denton (FEMA Docket No. 7009).	City of Fort Worth	Nov. 21, 1990, Nov. 28, 1990, *The Fort Worth Star-Telegram.*	The Honorable Bob Bolen, Mayor of the City of Fort Worth, 1000 Throckmorton, Fort Worth, Texas 76102.	Nov. 14, 1990	480596 D
Virginia	Mathews (FEMA Docket No. 7011).	Unincorporated areas	Dec. 13, 1990, Dec. 20, 1990, *Gloucester Mathews Gazette-Journal.*	Mr. Frank Pleva, Mathews County Administrator, P.O. Box 839, Mathews, Virginia 23109.	Nov. 28, 1990	510096 B

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-19805 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

DATES: The date of issuance of the revised Flood Insurance Rate Map (FIRM) showing modified base flood elevations for the community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and an opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided. The proposed modified elevations were also published in the **Federal Register**. The Administrator has resolved any appeals resulting from these notifications.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies, for reasons set out in the proposed rule, that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited for each community.

Source of flooding and location	# Depth in feet above ground *Elevation in feet (NGVD) Modified
ARKANSAS	
Elm Springs (town), Washington County (FEMA Docket No. 7017)	
Brush Creek:	
Approximately 0.5 mile downstream of Emma Road	*1,243
Approximately 0.26 mile downstream of 45th Street	*1,278
Maps available for inspection at the City Hall, Elm Springs, Arkansas.	
CONNECTICUT	
Bloomfield (town), Hartford County (FEMA Docket No. 7022)	
Tumbledown Brook:	
Approximately 50 feet upstream of confluence with Tumbledown Brook	*133
Approximately 500 feet upstream of the upstream corporate limits	*157
Maps available for inspection at the Bloomfield Town Engineering Department, 12 Southwind Road, Bloomfield, Connecticut.	
OKLAHOMA	
Payne County (unincorporated Areas) (FEMA Docket No. 7020)	
Stillwater Creek:	
Approximately 2.0 miles downstream of Fairgrounds Road	*841
At Lake Carl Blackwell	*906
Harrington Creek:	
At the confluence with Stillwater Creek	*895
Approximately 0.9 mile upstream of State Route 51	*913
Dry Creek:	
At the confluence with Stillwater Creek	*889
Approximately 3.1 miles upstream of confluence with Stillwater Creek	*916
North Stillwater Creek:	
At the confluence with Stillwater Creek	*893
Approximately 3.25 miles upstream of confluence with Stillwater Creek	*906
Cow Creek:	
Approximately 0.5 mile downstream of West McElroy Road	*882
At Lake McMurtry Road	*962
Stream B:	
Approximately 1,840 feet downstream of confluence of Stream B–1	*891
Approximately 80 feet upstream of Country Club Road	*906
Stream B–1:	
At the confluence with Stream B	*897
Approximately 0.4 mile upstream of confluence with Stream B	*908
Boomer Creek:	
At the confluence with Stillwater Creek	*857
At East 19th Avenue	*859
Brush Creek:	
At the confluence with Stillwater Creek	*853
At the confluence with East and West Brush Creeks	*863
East Brush Creek:	
At the confluence with Brush Creek	*863
Approximately 300 feet upstream of East Airport Road	*902
West Brush Creek:	
At the confluence with Brush Creek	*863
Approximately 0.5 mile upstream of Airport Road	*905
Little Stillwater Creek:	
Approximately 5 miles downstream of State Road 51	*835
Approximately 4.9 miles upstream of State Route 51	*921
Council Creek:	
Approximately 370 feet downstream of confluence of Unnamed Tributary	*851
Approximately 0.5 mile upstream of Old State Route 51	*869
Feather Creek:	
At the confluence of Council Creek	*867
Approximately 1,400 feet upstream of Old State Route 51	*872
Cottonwood Creek:	
Approximately 0.8 mile downstream of confluence of Jones Creek	*835
Approximately 0.4 mile upstream of confluence of Jones Creek	*850
Jones Creek:	
At the confluence with Cottonwood Creek	*842
Approximately 0.4 mile upstream of confluence with Cottonwood Creek	*854
Skull Creek:	
Approximately 1.0 mile downstream of City of Cushing corporate limits	*830
At City of Cushing corporate limits	*855
Maps available for inspection at the Payne County Conservation District, 800 E. Sixth, Stillwater, Oklahoma.	
SOUTH CAROLINA	
Forest Acres (city), Richland County (FEMA Docket No. 7020)	
Eightmile Branch:	
At confluence with Gills Creek	*167
About 1000 feet upstream of Trenholm Road	*170
Maps available for inspection at the City Administrator's Office, 5205 Trenholm Road, Forest Acres, South Carolina.	

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–19806 Filed 8–19–91; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
CALIFORNIA	
San Juan Bautista (city), San Benito County (Docket No. 7016)	
San Juan Creek:	
At confluence with San Juan Creek Tributary	*189
Just upstream of State Highway 156	*196
At San Juan-Hollister Road	*199
San Juan Creek Tributary:	
At confluence with San Juan Creek	*189
Just downstream of State Highway 156	*206
Just upstream of intersection of State Road 156 and San Juan Grade Road	*210
At upstream corporate limit	*217
At a point 100 feet east of San Juan Creek Tributary and 200 feet south of State Road 156	#1
At intersection of San Juan-Hollister Road and San Juan Grade Road	#2
Maps are available for review at City Hall, 311 Second Street, San Juan Bautista, California.	
COLORADO	
Arvada (city), Adams and Jefferson Counties (Docket No. 7016)	
Ralston Creek:	
Just downstream of West 56th Street	*5,260
Just above Wadsworth Bypass	*5,307
At Brooks Drive Bridge	*5,360
Just above Simms Street	*5,427
Approximately 100 feet downstream of crossing of Croke Canal	*5,563
Leyden Creek:	
At confluence with Ralston Creek	*5,420
At Simms Street	*5,432
At West 72nd Avenue	*5,441
Approximately 1,500 feet upstream of West 72nd Avenue	*5,452
Van Bibber Creek:	
At confluence with Ralston Creek	*5,346
Just above Miller Street Bridge	*5,376
Approximately 900 feet north of intersection of West 54th Drive and West 54th Avenue	*5,427
Maps are available for review at the City Engineer's Office, 8101 Ralston Road, Arvada, Colorado.	
GEORGIA	
Clayton County (unincorporated Areas) (FEMA Docket No. 7013)	
Flint River:	
At county boundary	*754
About 2,200 feet upstream of Sullivan Road	*892
Jesters Creek:	
At mouth	*815
Just downstream of Morrow Industrial Boulevard	*843
Just upstream of Morrow Industrial Boulevard	*848
Just downstream of Interstate 75	*860
Just upstream of Interstate 75	*871
About 900 feet upstream of Windsor Drive	*885
Sullivan Creek:	
At mouth	*858
Just upstream of Riverdale Road	*919
Camp Creek Tributary:	
At mouth	*836
At county boundary	*874
North Fork Jesters Creek:	
Mouth at Jesters Creek	*837
Just downstream of confluence of Conine Creek	*862
Conine Creek:	
At mouth	*862
Just downstream of Interstate 75	*862
Just upstream of Interstate 75	*869
At Morrow Road	*871
Flint River Tributary:	
At mouth	*840
Just downstream of New Bridge	*866
Just upstream of New Bridge	*871
About 2,250 feet upstream of New Bridge	*876
Shoal Creek:	
At mouth	*776
Just upstream of Hampton Road	*783
Smith Reservoir:	
Within community	*806
Hurricane Creek:	
Just downstream of Turner Road	*783
Just upstream of Turner Road	*783
Swamp Creek:	
At mouth	*790
About 2,300 feet upstream of mouth	*791
Wallis Creek:	
At mouth	*788
Just downstream of Fitzgerald Road	*791
Camp Creek:	
At mouth	*793
About 3,000 feet upstream of Fayetteville Road	*796
Mud Creek:	
At mouth	*837
Just downstream of Lees Mill Road	*844
Roberts Road Tributary:	
At mouth	*801
Just upstream of Robert Road	*804
Maps available for inspection at the Planning and Zoning Department, 7960 North McDonough Street, Jonesboro, Georgia.	
Riverdale (city), Clayton County (FEMA Docket No. 7013)	
Flint River:	
About 0.75 mile upstream of Riverdale Road	*838
About 1.18 miles upstream of Riverdale Road	*842
Flint River Tributary:	
Within community	*844
Maps available for inspection at the Public Works Department, City Hall Building, 6690 Church Street, Riverdale, Georgia.	
ILLINOIS	
Marengo (city), McHenry County (FEMA Docket No. 7010)	
Unnamed Creek:	
About 0.67 mile downstream of State Street	*799
About 0.52 mile upstream of Prospect Street	*814
Maps available for inspection at the City Building Official's Office, City Hall, 132 East Prairie Street, Marengo, Illinois.	
MAINE	
Oxford (town), Oxford County (FEMA Docket No. 7010)	
Thompson Lake: Entire shoreline within community	*327
Maps available for inspection at the Town Clerk's Office, Oxford, Maine.	
MICHIGAN	
Ann Arbor (city), Washtenaw County (FEMA Docket No. 7019)	
Pittsfield-Ann Arbor Drain:	
Just upstream of Huron Parkway	*774
Just downstream of Huron Parkway	*779
Just upstream of Huron Parkway	*784
Just upstream of Ellsworth Road	*819
Northwest Branch Pittsfield-Ann Arbor Drain:	
At mouth	*807
Just downstream of outlet to retention pond	*855
Just upstream of outlet to retention pond	*862
Just downstream of footbridge	*863
Just upstream of footbridge	*868
About 300 feet downstream of South Main Street	*870
Just upstream of South Main Street	*876
Just downstream of Saline-Ann Arbor Road	*890
Just upstream of Saline-Ann Arbor Road	*895
About 1,700 feet upstream of Saline-Ann Arbor Road	*902
West Branch Pittsfield-Ann Arbor Drain:	
At mouth	*819
Just downstream of dam	*845
Just upstream of dam	*856
About 3,550 feet upstream of dam	*867
Traver Creek:	
At mouth	*763
Just downstream of Ann Arbor Railroad	*798
Just upstream of Ann Arbor Railroad	*820
Just downstream of Traver Street	*831
Maps available for inspection at the Land Development Office, City Hall, 100 North 5th Avenue, Ann Arbor, Michigan.	
Lapeer (city), Lapeer County, Michigan (FEMA Docket No. 7019)	
Hunters Creek:	
At mouth	*823
About 2,900 feet upstream of DeMille road	*831
Farmers Creek:	
Just downstream of Millville Road	*831
Just downstream of Interstate 69	*832
Maps available for inspection at the City Hall, 576 Liberty Street, Lapeer, Michigan.	
MINNESOTA	
Pine County (unincorporated areas) (FEMA Docket No. 7010)	
Cross Lake:	
Within community	*939
Snake River:	
About 3.2 miles upstream of mouth	*856
About 3.2 miles upstream of Interstate 35	*944
Skunk Creek:	
Just upstream of Burlington Northern railroad	*1055
About 2,300 feet upstream of Burlington Northern railroad	*1058
Maps available for inspection at the Zoning Office, County Courthouse, Pine City, Minnesota.	
NEW JERSEY	
Sandyston (township), Sussex County (FEMA Docket No. 7019)	
Little Flat Brook:	
Approximately 400 feet downstream of State Route 640	*524
Approximately 1,350 feet upstream of Degroat Road	*623
Maps available for inspection at the Township Municipal Building, Route 560, Layton, New Jersey.	
South Harrison (township), Gloucester County (FEMA Docket No. 7019)	
Oldmans Creek:	
At downstream corporate limits	*24
Approximately 25 feet downstream of confluence of Oldmans Creek Tributary 3	*33
Oldmans Creek Tributary 3:	
At confluence with Oldmans Creek	*33
Approximately 3,000 feet upstream of Marl Road	*49
Maps available for inspection at the Police Station, Harrisonville-Swedesboro Road, Harrisonville, New Jersey.	
NEW YORK	
Bainbridge (town), Chenango County (FEMA Docket No. 7016)	
Susquehanna River:	
Approximately .8 mile downstream of the confluence of Big Brook	*976
Approximately 1.3 miles upstream of the Delaware Hudson River	*986
Maps available for inspection at the Town Hall, 15 North Main Street, Bainbridge, New York.	
Evans Mills (village), Jefferson County (FEMA Docket No. 7019)	
West Creek:	
Downstream corporate limits	*403
Upstream corporate limits	*410
Maps available for inspection at the Village Hall, Noble Street, Evans Mills, New York.	
Hounsfield (town), Jefferson County (FEMA Docket No. 7016)	
Mill Creek:	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1,900 feet downstream from Old Military Road	*249
Approximately 1,800 feet upstream of County Route 62	*407
Maps available for inspection at the Highway Building, Town Office, Salt Point Road, R.D. 1, Watertown, New York.	
Grove (town), Allegany County (FEMA Docket No. 7013)	
Canaseraga Creek:	
Approximately 340 feet downstream of corporate limits	*1,281
Approximately 270 feet upstream of CONRAIL	*1,306
Maps available for inspection at the Town Clerk's Office, Dalton, New York.	
Marbletown (town), Ulster County (FEMA Docket No. 7019)	
Esopus Creek:	
At the downstream corporate limits	*176
At the downstream side of County Route 5	*209
Maps available for inspection at the Town Hall, Stone Ridge, New York.	
North Norwich (town), Chenango County (FEMA Docket No. 7016)	
Chenango River:	
Corporate limits	*1,010
At CONRAIL	*1,019
Maps available for inspection at the North Norwich Town Hall, North Norwich, New York.	
Pamelia (town), Jefferson County (FEMA Docket No. 7019)	
Black River:	
At downstream corporate limits (at Horseshoe Dam)	*502
At upstream corporate limits	*510
Philomel Creek:	
Approximately 0.44 mile downstream of State Route 12 (at Sinkhole)	*397
Approximately 0.29 mile downstream of State Route 37	*460
Maps available for inspection at the Pamelia Town Hall, Route 37, Pamelia, New York.	
Stanford (town), Dutchess County (FEMA Docket No. 7019)	
Wappenger Creek:	
At the downstream side of County Route 17 (Salt Point Turnpike)	*283
Approximately 200 feet upstream of Creamery Road	*332
Maps available for inspection at the Town Hall, Route 82, Stanfordville, New York.	
Webster (village), Monroe County (FEMA Docket No. 6987)	
Mill Creek:	
Downstream corporate limits	*390
Upstream corporate limits	*442
Maps available for inspection at the Village Hall, 28 West Main Street, Webster, New York.	
OHIO	
Wood County (unincorporated areas) (FEMA Docket No. 7016)	
Maumee River:	
At City of Rossford corporate limits	*581
At western county boundary	*650
Sister Creek:	
At mouth	*632
Just downstream of dam	*632
Just upstream of dam	*646
Sugar Creek:	
At mouth	*632
Just downstream of dam	*632
Just upstream of dam	*646
Maps available for inspection at the Engineer's Office, 1 Courthouse Square, Bowling Green, Ohio.	
OKLAHOMA	
Dewar (town), Okmulgee County (FEMA Docket No. 7013)	
Coal Creek:	
Approximately 0.7 mile downstream of U.S. Route 266	*638
Approximately 550 feet upstream of corporate limits	*645
Approximately 900 feet southeast of intersection of Spruce Street and 8th Street	*646
Maps available for inspection at the Town Hall, Dewar, Oklahoma.	
Dewey (city), Washington County (FEMA Docket No. 7019)	
Coon Creek:	
Approximately 0.4 mile downstream of the downstream corporate limits	*675
Approximately 1.4 miles upstream of U.S. Route 75, at the upstream corporate limits	*683
Deer Creek:	
At confluence with Coon Creek	*680
At the upstream corporate limits	*682
Maps available for inspection at the City Hall, 411 East Don Tyler, Dewey, Oklahoma.	
Washington County (unincorporated areas) (FEMA Docket Nos. 7003 & 7010)	
Caney River:	
Approximately 1.4 miles downstream of the confluence of Rice Creek	*663
Approximately 1.7 miles upstream of County Road	*684
Rice Creek:	
At confluence with Caney River	*666
Approximately 0.4 mile upstream of Madison Boulevard	*745
Rice Creek Tributary:	
At confluence with Rice Creek	*667
Approximately 0.4 mile upstream of County Road	*668
Sand Creek:	
Approximately 1,160 feet downstream of confluence of Eliza Creek	*670
Approximately 1.2 miles upstream of Circle Mountain Road	*671
Eliza Creek:	
At confluence with San Creek	*670
Approximately 1.3 miles upstream of Circle Mountain Road	*671
Turkey Creek:	
At Bison Road	*727
Approximately .4 mile upstream of Bison Road	*736
Coon Creek:	
At confluence with Caney River	*675
At downstream side of Durham Avenue	*686
Deer Creek:	
At Durham Avenue	*680
At County Road	*703
Maps available for inspection at the Washington County Courthouse, 420 South Johnstone, Room 108, Bartlesville, Oklahoma.	
PENNSYLVANIA	
Lower Heidelberg (township), Berks County (FEMA Docket No. 7019)	
Spring Creek:	
Approximately 0.3 mile upstream of Brownsville Road	*306
Approximately 820 feet upstream of Palm Road at Big Spring Pond	*364
Maps available for inspection at the Township Building, 720 Brownsville Road, Sinking Spring, Pennsylvania.	
SOUTH CAROLINA	
Chesterfield County (unincorporated areas) (FEMA Docket No. 7013)	
Thompson Creek:	
Just upstream of CSX railroad	*84
Just upstream of confluence of Mill Creek	*123
Thompson Creek Tributary:	
At mouth	*109
About 1,250 feet upstream of Dam No. 2	*155
Spencer Mill Creek:	
At mouth	*123
Just downstream of Dam No. 3	*123
Just upstream of Dam No. 3	*137
About 2,500 feet upstream of confluence of Sixmile Creek	*137
Sixmile Creek:	
At mouth	*137
Just downstream of State Road 113	*137
About 1,300 feet upstream of State Road 113	*142
Maps available for inspection at the County Courthouse, Chesterfield, South Carolina.	
Marlboro County (unincorporated areas) (FEMA Docket No. 7013)	
Cottingham Creek:	
About 950 feet downstream of State Road 51	*122
Just downstream of Covington Millpond Dam	*140
Just upstream of Covington Millpond Dam	*145
Just downstream of CSX railroad	*170
Beaverdam Creek:	
About 1.25 miles downstream of confluence of Panther Creek	*148
Just downstream of Route 15	*164
Panther Creek:	
At confluence with Beaverdam Creek	*151
Just downstream of U.S. Route 15	*165
Bear Creek:	
At confluence with Panther Creek	*165
Just downstream of U.S. Route 15	*172
Muddy Creek:	
Just upstream of State Road 455	*113
About 1,600 feet upstream of State Road 53	*137
Crooked Creek:	
About 800 feet downstream of State Road 43	*111
About 2,300 feet upstream of Edward Cottingham Boulevard	*132
Maps available for inspection at the County Courthouse, 1503 U.S. 401 Bypass, Bennettsville, South Carolina.	
WEST VIRGINIA	
Beverly (town), Randolph County (FEMA Docket No. 7010)	
Tygart Valley River:	
At downstream corporate limits	*1,944
At upstream corporate limits	*1,949
Maps available for inspection at the Town Hall, Collette Street Extension, Beverly, West Virginia.	
Nicholas County (unincorporated areas) (FEMA Docket No. 7010)	
Birch River:	
Approximately 570 feet above confluence of Big Run	*1,071
Approximately 1.7 miles upstream of County Route 1-10	*1,263
Bells Creek:	
At confluence with Twentymile Creek	*700
Approximately 970 feet upstream of County Highway 2-7	*837
Open Fork:	
At confluence with Bells Creek	*726
Approximately 0.6 mile upstream of confluence of Williams Hollow	*896
Twentymile Creek:	
At confluence with Gauley River	*678
Approximately 400 feet upstream of County Highways 20-21 (Twenty-Mile Road)	*700
Cherry River:	
Approximately 2.0 miles downstream of State Highways 20 and 150	*1,963

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At downstream corporate limits for City of Richwood	*2,159
Laurel Creek:	
At confluence with Cherry River	*2,117
Approximately 1,050 feet upstream of County Highway 39–14	*2,178
Maps available for inspection at the County Commissioners Office, County Courthouse, 700 Main Street, Summersville, West Virginia.	
WISCONSIN	
Burnett County (unincorporated areas) (FEMA Docket No. 7016)	
Trade River:	
About 3,000 feet downstream of State Highway 87	*877
About 800 feet upstream of Cedar Point Road	*911
Wood River:	
At mouth	*919
Just downstream of County Highway M	*919
Just upstream of County Highway M	*924
Just downstream of Fink Road	*966
Wood Lake: Entire shoreline	*919
Little Wood Lake: Entire shoreline	*939
Big Trade Lake: Entire shoreline	*911
Little Trade Lake: Entire shoreline	*911
Lipsett Lake: Entire shoreline	*976
Rice Lake: Entire shoreline	*975
Benoit Lake: Entire shoreline	*975
Yellow Lake: Entire shoreline	*931
Little Yellow Lake: Entire shoreline	*931
Spirit Lake: Entire shoreline	*945
Clam Lake: Entire shoreline	*956
Lower Clam Lake: Entire shoreline	*956
Danbury Flowage: Entire shoreline	*930
Maps available for inspection at the Zoning Administration Office, County Government Center, 7410 County Road K, Siren, Wisconsin.	
Pittsville (city), Wood County (FEMA Docket No. 7013)	
Yellow River:	
About 1.06 miles downstream of Veedum Road	*1005
About 0.82 mile upstream of Riverside Park Dam	*1021
Cat Creek:	
At mouth	*1014
About 750 feet upstream of Second Street	*1017
Maps available for inspection at the City Hall, 5388 Fourth Street, Pittsville, Wisconsin.	
Waushara County (unincorporated areas) (FEMA Docket No. 7013)	
Fox River:	
At eastern county boundary	*756
About 0.87 mile downstream of State Highway XX	*757
Pine River:	
At mouth	*750
Just downstream of County Highway E	*800
Just upstream of Pine River Dam	*809
Just downstream of County Highway W	*827
Just upstream of Saxeville Dam	*835
About 1,300 feet upstream of Private Road	*866
Little Silver Creek:	
At mouth	*789
About 2,600 feet upstream of County Highway E	*803
Carpenter Creek:	
At mouth	*793
Just downstream of County Highway E	*803
Popple Creek:	
At mouth	*826
Just downstream of 26th Road	*840
Willow Creek:	
About 2,800 feet downstream of State Highway 49	*760
Just downstream of 29th Lane	*765
Just upstream of 29th Lane	*770
About 1,200 feet upstream of County Highway S	*800
Maps available for inspection at the County Courthouse, Zoning Office, Wautoma, Wisconsin.	

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91–19801 Filed 8–19–91; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood Plains.

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
FLORIDA	
Clearwater (city), Pinellas County (FEMA Docket No. 7020)	
Alligator Creek Channel A:	
At mouth	*10
Just downstream of Sunset Point	*54
Alligator Creek Channel B:	
At mouth	*20
Just downstream of State Road 590	*41
Just upstream of State Road 590	*51
Just downstream of 4th Avenue South	*89
Alligator Creek Channel C:	
About 100 feet upstream of mouth	*38
Just downstream of Sunset Point Road	*60
Just upstream of Sunset Point Road	*65
Alligator Creek Channel E:	
Within community	*21
Alligator Creek Channel G:	
At mouth	*20
Just downstream of Drew Street	*21
Alligator Creek Channel H:	
At mouth	*26
Just downstream of weir structure	*30

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of weir structure	*35
Just downstream of Drew Street	*40
Stevenson Creek:	
Just upstream of Palmetto Street	*12
Just downstream of Belleair Road	*40
Maps available for inspection at the Planning and Development Department, City Hall Annex, 10 S. Missouri Avenue, Clearwater, Florida 34616.	
NEVADA	
Carlin (city), Elko County (FEMA Docket No. 7022)	
Maggie Creek:	
At confluence with Humboldt River	*4,895
Between Southern Pacific Railroad and U.S. Highway 10	*4,910
Just above Interstate 80	*4,917
Maps are available for review at City Hall, 101 South Eighth Street, Carlin, Nevada.	
NEW JERSEY	
Palisades Park (borough), Bergen County (FEMA Docket No. 7017)	
Overpeck Creek:	
At downstream corporate limits	*7
At upstream corporate limits	*7
Maps available for inspection at the Borough Clerk's Office, 275 Broad Avenue, Palisades Park, New Jersey.	
VIRGINIA	
Pulaski (town), Pulaski County (FEMA Docket No. 7017)	
Sproules Run:	
Approximately 320 feet upstream of confluence with Peak Creek	*1,902
Approximately 900 feet upstream of U.S. Route 11	*1,916
Maps available for inspection at the Town Engineer's Office, 42 First Street, Pulaski, Virginia.	

Issued: July 24, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-19802 Filed 8-9-91; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

[Ex Parte No. 55 (Sub-No. 22A)]

RIN 3120-AB53

Implementation of Environmental Laws

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: In a final rule proceeding published in the **Federal Register** on July 31, 1991 at 56 FR 36105 the Commission added a new paragraph to § 1011.8. The amendatory instruction #2 for the new paragraph (c)(10) is corrected, as set forth below.

EFFECTIVE DATE: September 29, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Gass (202) 275-6796.

SUPPLEMENTARY INFORMATION:

List of Subjects in 49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

PART 1011—COMMISSION ORGANIZATION; DELEGATIONS OF AUTHORITY

1. The authority citation for part 1011 continues to read as follows:

Authority: 49 U.S.C. 10301, 10302, 10304, 10305, 10321; 31 U.S.C. 9701; 5 U.S.C. 553.

The amendatory instruction #2 is corrected to read as follows:

§ 1011.8 [Corrected]

2. In § 1011.8 the new paragraph (c)(10) is added to read as follows:

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-19914 Filed 8-19-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 901196-1168]

RIN 0648-AD71

Disposition of Tissues From Stranded Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: This rule allows salvage of tissues for scientific purposes from stranded marine mammals by individuals who are specifically authorized to do so. It requires the registration of such tissues with the appropriate Regional Office of NMFS within 30 days and requires notification or authorization for subsequent transfer of such materials for scientific or educational purposes.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Dean Wilkinson, Permits Division, Office of Protected Resources, Silver Spring, Maryland, 301-427-2322.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1990, at 55 FR 52194, NMFS proposed a rule to clarify the procedures for salvage of materials from dead stranded marine mammals and the procedures for subsequent transfer of such materials. The proposed rule requested comments from the public and contained a discussion of the background for the proposed rule. The background will not be repeated here.

This rule clarifies existing procedures for retention of dead stranded marine mammals or parts therefrom and sets out procedures for transferring such tissues for scientific or educational purposes.

Comments and Responses

Comments were received from, the Marine Mammal Commission, the National Museum of Natural History of the Smithsonian Institution, the Oregon Parks and Recreation Department, the Chair of the American Society of Mammalogy's Committee on Marine Mammals, the Center for Marine Conservation, the Cascadia Research Collective, the Minnesota Zoo, the Mystic Marinelife Aquarium, the Stranding Network Coordinator for Alabama, and the International Wildlife Coalition.

Six commenters supported the rule, although several made suggestions as to specific changes. One commenter opposed the rule and raised specific issues. One commenter stated that the proposed rule would not alter existing practice. Several commenters made suggestions for changes in the proposed rule and raised issues that they believed should be addressed. Specific comments are addressed below:

Comment: Authority for State, local, and Federal employees to take marine mammals under this provision should be limited to activities in the normal course of the employee's duties.

Response: NMFS agrees and the final rule incorporates this suggestion.

Comment: Several commenters raised concern that temporary transfer of tissues to a laboratory for analysis would require authorization. Commenters stated that such a procedure could interfere with successful examination of soft tissues for such things as histopathology or contaminant analysis.

Response: NMFS does not believe that temporary transfer of tissues for analysis alters the ultimate responsibility and control of a tissue. In cases where tissues are temporarily transferred for analysis, responsibility for assuring that such materials do not

enter commerce and that tissues are not otherwise misused remains the responsibility of the party to whom the tissues are registered. The final rule has been altered to clarify this issue. It should be noted, though, that when material is permanently transferred for a researcher's or facility's own projects, the procedures described in the rule should be followed.

Comment: Museums often loan specimens to other museums on a temporary or permanent basis. The system of recording transfers and loans is common museum practice. Hence, in the case of museums, the proposed rule would duplicate long established procedures.

Response: NMFS recognizes that professionally accredited museums generally are responsible in transfer of specimens. There are reasons, however, for knowing where marine mammal parts are located. First, several commenters expressed the hope that the registration would help in locating parts of particular species for scientific research. Second, to fulfill its enforcement responsibilities, NMFS must be able to establish that possession of parts is legitimate. NMFS recognizes that museums often provide short-term loans to other museums for exhibitions and does not intend to unduly restrict such activities. The important issue is effective control. While short-term loans can reasonably be assumed to be under the effective control of the institution with the authorization, permanent loans are different. Therefore, the final rule exempts loans between professionally accredited collections for a period of up to 1 year. Loans beyond 1 year will require either notification or authorization.

Comment: One commenter requested a minor change to the requirement for written authorization for specimen transfer. This requirement would not be a problem if such authorization could be provided on a general basis to include tissues to be collected in the future.

Response: Current practice is for Regional Offices to provide advance authorization for transfer of tissues for specific research projects. This practice is not changed. For the sake of clarity, however, a minor change has been made to § 216.22(c)(5)(ii) to allow transfer without prior authorization to individuals who have received advance approval under § 216.22(c)(6).

Comment: Several individuals commented on assigning the registration number.

One commenter expressed concern that it could duplicate existing numbering systems. Requiring a museum to associate yet another number to an individual specimen has the potential of generating confusion both in the literature and in the management of computerized data bases. In addition, there are physical problems in marking each individual bone and soft tissue with two numbers, the institution's catalog number and the regional number. There could be confusion if each region sets up its own system. The Smithsonian currently maintains a system based on stranding records with collector's field number. The data base has been in existence since the early 1970s. A new system will create confusion.

Another commenter stated that sample or field identification numbers should provide as much information as possible about the region or geographical location from which the tissue was collected, species of marine mammal the tissue was collected from, and type of tissue. Alphanumeric codes are currently employed in some States, such as Texas.

A third commenter pointed out that by assigning a single identification number to each animal and its associated parts, there now will be a means of long-term cataloging of specimens and their parts. It was recommended that this specimen number be associated with the investigator-assigned Field Identification Number. This would cause less confusion.

Another commenter pointed out that, under collection and curatorial standards of the American Society of Mammalogists, all accessioned and cataloged specimens are assigned a unique number, the catalog number. The catalog number is written on each bone, in the case of osteological material, and associated via a label with frozen or fluid-preserved (wet) specimens. It is standard practice to identify specimen materials used for analysis in scientific publications, as well as in reporting on permit activities by their catalog number.

Response: NMFS has no desire to require duplication of specimen numbers, but it is important that tissues be traceable to the original animal if meaningful scientific information is to be gained. The important factor is that there be a number, not in what form that number is generated. Currently, stranding report forms contain a space for a field identification number. NMFS does not see any reason for changing this system. NMFS acknowledges the role of the Smithsonian Institution in maintaining records of strandings but notes that not all retained material is recorded in the Smithsonian's data base. As the most obvious example, the Smithsonian data base does not include pinniped strandings. For both scientific and enforcement purposes, NMFS believes that a record of retained specimens should be maintained.

Although a single identification numbering scheme would be of use to the scientific community, NMFS is not comfortable dictating such a system. NMFS explained in the proposed rule that a field identification number or museum acquisition number would be acceptable. Despite that language, however, there was concern that a Regional Office would develop its own system. A minor change has been added in the final rule to clarify that the assigned number will be provided by the person registering the material.

Comment: One commenter stated that they currently register hard parts with the Law Enforcement Division of the NMFS Regional Office. Would this be in addition to the present requirement?

Response: An additional registration would not be required. The commenter is presently registering tissues with the Regional Office, which is the requirement in the rule. It is at the discretion of the Regional Director as to whom the registration should be sent.

Comment: Can registration be by telephone or FAX, or must it be written? The commenter recommended that the reporting of voucher specimen material and numbers be done in conjunction with the already existing stranding reports.

Response: NMFS intends that the registration occur in conjunction with the stranding report. To the extent that provisions have been made in the Region to accommodate filing of stranding reports in other than written form, alternative methods could be used. Although it might be difficult to submit an entire stranding report by telephone, there is certainly promise in the utilization of facsimile transmission. Similarly, one regional stranding network has discussed the possibility of transmitting stranding reports via a computer network.

Comment: Some stranded animals are decomposed. The proposed rule would require a registration number for the carcass and permission from the Regional Director before disposing of it.

Response: This rule addresses salvage and retention of tissues for scientific research and does nothing to alter existing arrangements for disposal of carcasses. Stranding network members are currently authorized to dispose of carcasses, and this final rule will not affect such an authorization. It will only apply if tissues are retained from a stranded marine mammal.

Comment: There are problems with designating general body regions, such as "head," because this does not indicate whether parts like eyes, brain, pituitary, or endoparasites were also collected. However, we understand that the recordkeeping for this task would be monumental.

Response: NMFS appreciates the commenter's understanding. While having a complete record of individual tissues taken would be of benefit to the scientific community, it would markedly increase the reporting burden.

Comment: What is the relationship of the proposed rule to 50 CFR 216.26 and 50 CFR 18.26?

Response: The two sections cited provided that bones, teeth, and ivory from a marine mammal may be retained by any individual that finds them along a beach provided that such parts are registered within 30 days with an agent of NMFS or the U.S. Fish and Wildlife Service. The rule would not alter this provision. Unauthorized individuals may not remove stranded animals. Nor can they remove hard parts from a stranded animal. The sections cited apply to the individual who may find a tooth or bone along the beach and not to retention of tissues for scientific purposes.

Comment: Three commenters addressed the 30-day period for registration of materials.

The first commented that the new rule provides a 30-day period during which a stranded animal must be registered with NMFS. This period allows researchers ample time to preserve, examine, and decide on the best form of analysis or curation for all specimen material.

The second commented that each NMFS Regional Office requires stranding reports at different times of the month. In the Southwest Region, monthly stranding reports must be submitted by the 10th of each month. NMFS should make every attempt to coordinate the 30-day notification requirement.

The third commenter stated that the requirement that separate reports for salvaged parts or carcasses with attendant 30-day time limits is overly burdensome and confusing. If the current time frame of 6 months is not frequent enough to meet Agency needs, then the frequency of reports could be amended to quarterly.

Response: NMFS agrees with the first commenter. A check with the Southwest Regional Office for interpretation of their current requirement revealed that the proposed regulation would be less restrictive than current practice. The suggestion that the 6-month reporting period should be adequate is unreasonable. First, a delay in processing and reporting increases the probability of error in providing information. Second, a 6-month delay in reporting strandings decreases the probability that NMFS can fulfill management responsibilities in a timely fashion. As an example, it is possible that an epizootic would not be detected in time to respond. The comments reveal one of the reasons for promulgation of the rule, i.e., inconsistencies among the Regions as the reporting requirements and how disposition of tissues is to be handled. Although it may be a side effect of the rule, the 30-day reporting requirement may help to introduce a degree of consistency among the Regions.

Comment: Two commenters suggested that NMFS define curation standards. Once stated that few scientists, stranding network members, environmental organizations, and general public know these protocols or standards. The rule should contain such protocols.

Response: NMFS disagrees. If an individual is collecting tissues for scientific research, it should be assumed that the individual is familiar with the basics of tissue collection and curation. If the individual is unable to do this, there is a question as to whether the research is, in fact, legitimate. The rule does address curation standards in one important way so that material can be traced back to the original animal by requiring the permanent marking of a hard part or container. NMFS would be willing to provide researchers with current curation standards and is currently developing protocols for those individuals who might provide tissues to NMFS. To incorporate actual curation standards into the rule would make it unduly complicated and make it more difficult to amend such standards as new techniques are developed.

Comment: The proposed rule should be incorporated into existing paragraphs § 216.22(a) and § 216.22(b), and additional changes should be made to those sections to reflect current stranding network operations.

Response: NMFS recognizes that changes in the Act have not been reflected in these two paragraphs, and changes in the paragraphs will be addressed at a later time. The issue of consistency in handling of tissues was immediately pressing, however. As an example, differences among the Regions in handling transfers of tissues had created enforcement problems. Stranding network members might well have been subject to enforcement action by transferring tissues from one Region to another because of such inconsistencies. Several stranding network members and two Regional Offices have requested clarification of this issue. The new regulation is intended to be consistent with any additional changes that may be made in the future to the preceding two paragraphs.

Comment: Does the requirement of prior written authorization apply to transfers outside the United States? Is there a specified period for approval of this transfer?

Response: Section 216.22(c)(7) requires that authorization be received before tissues may be transferred out of the United States. NMFS intends to process such requests expeditiously, assuming that complete information is received. It should be noted that this process should be less burdensome than the past policy of requiring a scientific research permit for transfer of such materials.

Comment: Nowhere do the proposed regulations indicate that NMFS personnel will coordinate specimen disposition or work to enhance the resources of stranding organizations. They simply place additional restriction and reporting requirements on our voluntary efforts.

Response: NMFS considers this comment to be outside the scope of the proposed regulation. However, that Act does prohibit the taking and transport of marine mammals or marine mammal parts with certain limited exceptions. NMFS is responsible for regulating such activities and assuring that no marine mammals or marine mammal parts enter into commerce. Conceivably, NMFS could absolutely prohibit the retention of parts from stranded animals except under a permit for scientific research. NMFS believes, however, that providing scientists ready access to parts contributes significantly to the body of scientific knowledge and has chosen to apply the provisions of section 122(c) of the Act to stranding network operations. NMFS readily acknowledges that the volunteers of the stranding networks have provided important information to help the agency in its management responsibilities. Such an acknowledgement does not reduce NMFS enforcement responsibilities, however.

Comment: Some marine mammals are also listed as endangered or threatened under the Endangered Species Act. How would the rule address such species?

Response: This rule does not address the take of beached and stranded non-mammal species. NMFS recognizes that a number of marine mammal species are listed as endangered or threatened under the Endangered Species Act.

NMFS believes that valuable scientific information can be gained from the examination of these animals and intends to administer the reporting and registration requirements contained in this rule consistently for all marine mammal strandings that are responded to by Federal, State, or local authorities and other authorized persons, regardless of the species' listing status with respect to the Endangered Species Act. Draft recovery plans for the northern right whale, the humpback whale, and the Steller sea lion all contain recommendations emphasizing the importance of gaining a maximum amount of knowledge from stranded animals. This approach will help ensure that scientific information is collected uniformly for all marine mammals involved in strandings.

Summary of Regulation

The regulation provides for the salvage of dead stranded marine mammals for utilization in scientific research or for maintenance in a properly curated, professionally accredited scientific collection. The standards of the American Society of Mammalogists are an example of acceptable curation and accreditation standards. An authorized person is required to register the salvage of the specimen with the appropriate NMFS Regional Office within 30 days after the taking. It is not intended that every single tissue be identified if the salvage is of an entire animal. Under such circumstances, a registration listing "carcass" will be sufficient. Similarly, when appropriate, "skeleton" or "head" will satisfy the requirement for a description of parts. The Regional Director will assign a single number provided by the registrant to all parts from a carcass. Such a number could be the field identification number or museum acquisition number that is currently reported on marine mammal stranding forms. It is required that all parts of a salvaged marine mammal have that number affixed permanently, and the number will remain with the parts, including after any subsequent transfer, so that all parts can be traced back to the original animal. This is commonly accepted as a minimum curation standard.

The regulation also prescribes procedures for the subsequent transfer of any parts, prohibits the sale or trade for commercial purposes, and allows the transfer of specimen materials without prior authorization to individuals who are themselves authorized to salvage materials. In such an instance, the only requirement is to notify NMFS of the transfer within 30 days. The regulation also allows the transfer of materials for scientific research, maintenance in properly curated, professionally accredited scientific collection, or for educational purposes to other persons with the prior authorization of the Regional Director of the appropriate NMFS Regional Office. Temporary transfer of specimens to laboratories for analysis and short-term loans of up to 1 year between professionally accredited scientific collections do not require either notification or prior authorization.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this regulation will not significantly affect the quality of the human environment. Therefore, no environmental assessment or draft or final environmental impact statement was prepared. The rule would be a minor revision of reporting requirements and existing practice.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The rule is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) an increase in costs or prices for consumers, individual industries, government agencies, or geographical regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The MMPA prohibits the sale of marine mammal parts and products. Therefore, tissues from stranded marine mammals do not enter into commerce, and no small businesses should be affected.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The Office of Management and Budget (OMB) has reviewed and approved these information collection requirements (OMB approval number 0648–0178).

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Marine mammals, Reporting and recordkeeping requirements.

Dated: August 14, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR Part 216 is amended as follows:

PART 216—[AMENDED]

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. In § 216.3 new definitions for "hard part," "soft part," and "stranded or stranded marine mammal" are added in alphabetical order, to read as follows:

§ 216.3 Definitions.

* * * * *

Hard part means any bone, tooth, baleen, treated pelt, or other part of a marine mammal that is relatively solid or durable.

* * * * *

Soft part means any tissue, organ, or other part of a marine mammal that is not relatively solid or durable.

Stranded or *stranded marine mammal* means a marine mammal specimen under the jurisdiction of the Secretary:

(1) If the specimen is dead, and is on a beach or shore, or is in the water within the Exclusive Economic Zone of the United States; or

(2) If the specimen is alive, and is on a beach or shore and is unable to return to the water, or is in the water within the Exclusive Economic Zone of the United States where the water is so shallow that the specimen is unable to return to its natural habitat under its own power.

* * * * *

3. In § 216.22, the section heading is revised, and a new paragraph (c) is added to read as follows:

§ 216.22 Taking by state or local government officials.

* * * * *

(c) Salvage of dead stranded marine mammals or parts therefrom and subsequent transfer.

(1) *Salvage.* In the performance of official duties, a state or local government employee; an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; or a person authorized under 16 U.S.C. 1382(c) may take and salvage a marine mammal specimen if it is stranded and dead or it was stranded or rescued and died during treatment, transport, captivity or other

rehabilitation subsequent to that stranding or distress if salvage is for the purpose of utilization in scientific research or for the purpose of maintenance in a properly curated, professionally accredited scientific collection.

(2) *Registration.* A person salvaging a dead marine mammal specimen under this section must register the salvage of the specimen with the appropriate Regional Office of the National Marine Fisheries Service within 30 days after the taking or death occurs. The registration must include:

(i) The name, address, and any official position of the individual engaged in the taking and salvage;

(ii) A description of the marine mammal specimen salvaged including the scientific and common names of the species;

(iii) A description of the parts salvaged;

(iv) The date and the location of the taking;

(v) Such other information as deemed necessary by the Assistant Administrator.

(3) *Identification and curation.* The Regional Director will assign a single unique number to each carcass, and the parts thereof, that are salvaged under the provisions of this section. The person who salvaged the specimen may designate the number to be assigned. After this number is assigned, the person who salvaged the specimen must permanently mark that number on each separate hard part of that specimen and must affix that number with tags or labels to each soft part of that specimen or the containers in which that soft part is kept. Each specimen salvaged under this section must be curated in accordance with professional standards.

(4) *No sale or commercial trade.* No person may sell or trade for commercial purposes any marine mammal specimen salvaged under this section.

(5) *Transfer without prior authorization.* A person who salvages a marine mammal specimen under this section may transfer that specimen to another person if:

(i) The person transferring the marine mammal specimen does not receive remuneration for the specimen;

(ii) The person receiving the marine mammal specimen is an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; is a person authorized under 16 U.S.C. 1382(c); or is a person who has received prior authorization under paragraph (c)(6) of this section;

(iii) The marine mammal specimen is transferred for the purpose of scientific research, for the purpose of maintenance in a properly curated, professionally accredited scientific collection, or for educational purposes;

(iv) The unique number assigned by the National Marine Fisheries Service is on, marked on, or affixed to the marine mammal specimen or container; and

(v) Except as provided under paragraph (c)(8) of this section, the person transferring the marine mammal specimen notifies the appropriate Regional Office of the National Marine Fisheries Service of the transfer, including notification of the number of the specimen transferred and the person to whom the specimen was transferred, within 30 days after the transfer occurs.

(6) *Other transfers within the United States.* Except as provided under paragraphs (c)(5) and (c)(8) of this section, a person who salvages a marine mammal specimen, or who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to another person within the United States unless the Regional Director of the appropriate Regional Office of the National Marine Fisheries Service grants prior written authorization for the transfer. The Regional Director may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(7) *Tranfers outside of the United States.* A person who salvages a marine mammal specimen, or a person who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to a person outside of the United States unless the Assistant Administrator grants prior written authorization for the transfer. The Assistant Administrator may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(8) *Exceptions to requirements for notification or prior authorization.* A person may transfer a marine mammal specimen salvaged under this section without the notification required in paragraph (c)(5)(v) of this section or the prior authorization required in paragraph (c)(6) of this section if:

(i) The transfer is a temporary transfer to a laboratory or research facility within the United States so that analyses can be performed for the person salvaging the specimen; or

(ii) The transfer is a loan of not more than 1 year to another professionally accredited scientific collection within the United States.

[FR Doc. 91-19798 Filed 8-19-91; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 216

[Docket No. 901231-1203]

Taking and Importing of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of finding of non-conformance.

SUMMARY: The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), announces that the Republic of Vanuatu and the Republic of Venezuela have submitted documentary evidence that establishes under the yellowfin tuna importation regulations that the average rates of incidental taking of marine mammals by vessels of the harvesting nations are not comparable to the average rate of incidental taking of marine mammals by U.S. vessels in the course of harvesting yellowfin tuna by purse seine in the eastern tropical Pacific Ocean (ETP). As a result of these findings, yellowfin tuna and yellowfin tuna products from Vanuatu and Venezuela may not be imported into the United States until the Assistant Administrator determines otherwise.

EFFECTIVE DATES: This finding is effective August 19, 1991, and remains in effect until superseded.

FOR FURTHER INFORMATION CONTACT: E.C. Fullerton, Regional Director, Southwest Region, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731. Phone (213) 514-6196, FAX (213) 514-6194.

SUPPLEMENTARY INFORMATION: On March 30, 1990, NMFS promulgated a final rule (55 FR 11921) to implement portions of the Marine Mammal Protection Act Amendments of 1988. Regulations implemented by that rule govern the importation of yellowfin tuna caught by purse seining in the ETP and require submission of an annual report to include, among other things, the number, by species, of marine mammals killed and seriously injured, and the number of sets made. On March 26, 1991, the U.S. District Court for the Northern District of California ordered the Secretary of the Treasury to prohibit immediately the entry of "yellowfin tuna or yellowfin tuna products harvested with purse senies in the ETP by any foreign nation, unless and until the Secretary of Commerce makes a positive

finding based upon documentary evidence provided by the government of the exporting nation that the average rate of the incidental taking by vessels of such foreign nation is no more than 1.25 times that of the United States' vessels during the same period, * * *."

The Assistant Administrator, after consultation with the Department of State, finds that the Republic of Vanuatu and the Republic of Venezuela have submitted documentary evidence that establishes, under the tuna importation provisions of 50 CFR 216.24(e), that the average rate of the incidental taking of marine mammals by vessels of Vanuatu and Venezuela is more than the statutory limit of 1.25 times that of U.S. vessels during the same period. However, the percentage of the total mortality for eastern spinner dolphin and coastal spotted dolphin is no greater than 15.0 and 2.0, respectively, for each of the nations, as required, and the regulatory program for Vanuatu and Venezuela governing the incidental taking of marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP is comparable to the regulatory program of the United States. Nevertheless, as a result of the finding of the average incidental taking of marine mammals, yellowfin tuna and yellowfin tuna products from Vanuatu or Venezuela may not be imported into the United States until the Assistant Administrator makes a positive finding to allow such importation.

(Authority: 16 U.S.C. 1361 et seq.)

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

[FR Doc. 91-19887 Filed 8-19-91; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 675

[Docket No. 901199-1021]

Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Pacific halibut bycatch rate standards.

SUMMARY: NMFS announced a revised Pacific halibut (halibut) bycatch rate standard for the Bering Sea and Aleutian Islands area (BSAI) flatfish fishery during the remainder of August 1991, for purposes of the vessel incentive program that has been implemented to reduce prohibited species bycatch rates in the groundfish trawl fisheries. This action is necessary to respond to comments received on bycatch rate standards specified for the BSAI flatfish fishery during the last half of 1991. The intent of this action is to enhance halibut bycatch management and promote conservation of groundfish and other fishery resources.

DATES: Effective 12:01 a.m. Alaska local time (A.l.t.), August 14, 1991, through 12 midnight A.l.t., September 1, 1991.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fishery Management Biologist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the BSAI are managed by the Secretary of Commerce (Secretary) according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) The FMP was prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP is implemented by regulations appearing at 50 CFR part 675 for the U.S. fishery. General regulations that also pertain to the U.S. fishery appear at 50 CFR part 620.

The interim final rule for revised Amendment 16 to the BSAI FMP (56 FR 21619; May 10, 1991) implemented a vessel incentive program to reduce halibut and red king crab bycatch rates in specified groundfish trawl fisheries. Under the incentive program, operators of individual trawl vessels are held accountable for their bycatch of halibut in the BSAI Pacific cod trawl fishery and the BSAI flatfish fishery. Vessel operators are also held accountable for their bycatch of red king crab in the BSAI flatfish fishery in Zone 1, as defined in § 675.2. Definitions of the fisheries included under the incentive program are set forth in regulations at § 675.26(b).

NMFS published a notice in the **Federal Register** (56 FR 28500; June 21, 1991), that specified halibut and red king crab bycatch rate standards for each fishery monitored under the incentive program. These standards were to be in effect for specified periods between July 1 and December 31, 1991. Any vessel whose monthly bycatch rate exceeds a bycatch rate standard is in violation of the regulations implementing the incentive program.

Public comments on the bycatch rate standards specified for the last half of 1991 were accepted through July 2, 1991. One letter of comments was received on the halibut and red king crab bycatch standards specified for the BSAI flatfish fishery (3 kilograms (kg) halibut/metric ton (mt) groundfish and 1.5 red king crab per/mt groundfish, respectively). The commenter suggested that during July 1991, the specified halibut bycatch rate standard be raised from 3 kg halibut/mt groundfish (0.3%) to 5 kg halibut/mt groundfish (0.5%) and that the red king crab bycatch rate standard be raised from 1.5 red king crab/mt groundfish to 3 red king crab/mt groundfish. The commenter further suggested that during August 1991, the bycatch rate standards for the BSAI flatfish fishery be adjusted to 4 kg halibut/mt groundfish and 1.5–2 red king crab/mt groundfish.

The reasons provided by the commenter for adjustments in the bycatch rate standards specified for the BSAI flatfish fishery follow:

1. A voluntary industry program has been established to maintain halibut bycatch rates at minimum levels consistent with the harvest of BSAI yellowfin sole and other flatfish. The industry program's guideline halibut bycatch rate is 0.5%.

2. The catch-per-unit effort (CPUE) for yellowfin sole/other flatfish in the Togiak area fishing grounds peaked in late May and early June, with a subsequent decline in late June and early July. Although historic data show the Togiak area to have the lowest red king crab and halibut bycatch rates of any yellowfin sole/other flatfish fishing area, the lower CPUE's for flatfish that occur in the Togiak area during summer months are often accomplished by relatively higher bycatch rates of prohibited species, including halibut.

3. Based on historic bycatch data, alternative fishing grounds for yellowfin sole would be expected to result either in higher bycatch rates of halibut, lower CPUE for yellowfin sole, and/or increased discard amounts and waste of small-sized flatfish.

4. The option of not fishing for yellowfin sole during mid-summer months would undermine attempts to develop and retain markets for yellowfin sole. Furthermore, fishing for other groundfish species would result in halibut bycatch rates that exceed those currently observed on board vessels participating in the yellowfin sole fishery.

5. Increasing the halibut bycatch rate standard specified for the BSAI flatfish fishery from 0.3 to 0.5% would still allow for the full harvest of the yellowfin sole/other flatfish total allowable catch (TAC) amounts, while providing more leeway for yellowfin sole vessels to continue fishing during summer months in areas where halibut bycatch rates are relatively low, albeit higher than the 0.3% currently specified as a bycatch rate standard.

6. An increase of the red king crab bycatch rate standard from 1.5 to 3 red king crab/mt groundfish during mid-summer would provide an opportunity to vessel operators to search in Zone 1 for yellowfin sole that could be harvested at acceptable red king crab bycatch rates. Given the level of current and expected fishing effort for yellowfin sole in Zone 1, the resulting bycatch of red king crab would not be large.

Regulations at § 675.26(c) authorize the Regional Director to adjust bycatch rate standards as frequently as he considers appropriate. Adjustments to bycatch rate standards must be based on the following information and considerations:

(A) Previous years' average observed bycatch rates for that fishery;

(B) Immediately preceding season's average observed bycatch rates for that fishery;

(C) The bycatch allowances and associated fishery closures specified under § 675.21;

(D) Anticipated groundfish harvests for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and

(F) Other information and criteria deemed relevant by the Regional Director.

The yellowfin sole flatfish fishery season opened May 1, 1991. The average observed bycatch rate in the yellowfin sole/other flatfish fishery during the first 7 weeks of the fishery (through June 16) was 0.2%. The average weekly halibut bycatch rates increased after this period, and between June 23–July 21 ranged between 0.4 and 1.1%. Fishing effort for yellowfin sole is expected to concentrate in the Togiak area of the Bering Sea where halibut bycatch rates are known to be relatively low. Areas of higher CPUE for yellowfin sole may exist elsewhere, but fishermen have expressed concern over unknown halibut bycatch rates in alternative fishing grounds. The intent of the vessel incentive program is to encourage fishing practices that minimize halibut bycatch rates. As such, movement of fishing effort to areas that exhibit an increased CPUE for yellowfin sole while maintaining low halibut bycatch rates is encouraged. An increased halibut bycatch rate standard specified for the remainder of August 1991, would provide the industry more latitude to explore alternative fishing grounds that could yield higher CPUE for flatfish, maintain halibut bycatch rates within acceptable levels, and provide for continued support for recently developed markets for yellowfin sole. If vessels comply with a 0.5% halibut bycatch rate under the revised standard during the remainder of August, the yellowfin sole/other flatfish TAC amounts could be fully harvested under the 800 mt halibut bycatch allowance specified for this fishery under § 675.21.

Although the average halibut bycatch rate exhibited by vessels participating in the 1990 yellowfin sole fishery was less than 0.2%, this rate reflects fishing activity that was initiated in late summer when halibut bycatch rates are lower relative to mid-summer months. Based on historical observer information, overall halibut bycatch rates in the 1991 yellowfin sole fishery are anticipated to average less than 0.3% for the year. However, 1991 observer information indicates that a seasonal increase in the 0.3% standard is necessary to accommodate rising bycatch rates associated with a seasonal decrease in the CPUE for yellowfin sole/other flatfish and allow vessels to explore alternative fishing grounds where halibut bycatch rates may be less.

Given the above considerations, the Regional Director has determined that an increase in the halibut bycatch rate standard from 0.3 to 0.5% is justified for the period that extends from August 14, 1991, through September 1, 1991. After September 1, the halibut bycatch rate standard for the BSAI flatfish fishery will revert back to 0.3% for the remainder of the year.

The Regional Director has also determined that conditions that warrant an August 14, 1991–September 1 increase of the halibut bycatch rate standard specified for the flatfish fishery have existed since the beginning of July As such, flatfish vessels that exhibit an average bycatch rate between 3 and 5 kg halibut/mt groundfish during the fishing months of July and August will not be considered in violation of the incentive program.

Sufficient information does not exist on which to base an increase in the red king crab bycatch rate standard specified for the BSAI flatfish fishery in Zone 1 of the Bering Sea. Between the May 1, 1991, opening of the yellowfin sole/other flatfish fishery and May 19, 1991, the average bycatch rate of red king crab in the Zone 1 flatfish fishery was 1.66 red king crab/mt groundfish. Since mid-May, little fishing for flatfish has occurred in Zone 1. The small amounts of flatfish that have been harvested in Zone 1 since mid-May are associated with red king crab bycatch rates that are near zero. Although an increased effort for flatfish could resume in Zone 1, neither early year bycatch rates nor recent flatfish harvest levels in Zone 1 support an increased red king crab bycatch rate standard at this time.

Classification

This action is taken under 50 CFR 675.26 and complies with Executive Order 12291.

Because revisions to the halibut bycatch rate standard alleviates a restriction on participants in the BSAI flatfish fishery, the Assistant Administrator for Fisheries, NOAA, finds for good cause that delaying the effective date of this notice is impractical and contrary to the public interest.

List of Subjects in 50 CFR Part 675

Fisheries, Fishing vessels.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 14, 1991.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–19829 Filed 8–14–91; 4:51 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 56, No. 161
Tuesday, August 20, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 88-148]

7 CFR Part 301

Mexican Fruit Fly; Plant—Related Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposal rule.

SUMMARY: We are proposing to amend the Mexican fruit fly regulations by adding American Samoa, the Northern Mariana Islands, and the unregulated parts of Louisiana to the list of areas into or through which the movement of regulated articles is restricted. This action appears necessary to prevent the interstate spread of the Mexican fruit fly. This action would impose certain restrictions on the movement of regulated articles from regulated areas in Texas into or through American Samoa, the Northern Mariana Islands, and the previously unregulated parts of Louisiana.

We are also proposing to amend the Mexican fruit fly regulations by adding two alternatives treatments to the list of approved treatments that may be used to qualify regulated articles for interstate movement with a certificate. The alternative treatments would provide more options for treating fruit to be moved interstate from regulated areas in Texas, and would further reduce the risk of introducing the Mexican fruit fly into the areas of the United States where it could become established.

DATES: Consideration will be given only to comments received on or before September 19, 1991.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 88-148. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Mike B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION: .

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and many other types of fruits. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas.

The Mexican fruit fly regulations contained in 7 CFR 301.64 *et seq.* (referred to below as the regulations) impose restrictions on the interstate movement of regulated articles from regulated areas in order to prevent the spread of the Mexican fruit fly to noninfested areas.

Texas is the only State quarantined because of the Mexican fruit fly. Regulated areas within Texas are listed in paragraph (c) of § 301.64-3 of the regulations.

Regulated articles are listed in paragraph (a) of 301.64-2 of the regulations and include, but are not limited to, avocados, apples, peaches, pears, plums, prunes, pomegranates, and certain varieties of citrus fruit.

In accordance with the regulations, regulated articles moved interstate from a regulated area are subject to certain restrictions if moved into or through areas listed in paragraph (b) of § 301.64. These areas are susceptible to infestations by the Mexican fruit fly due to a combination of climatic conditions and available host material, primarily citrus. Listed areas are Arizona, California, Florida, Guam, Hawaii, Puerto Rico, Texas, the Virgin Islands of the United States, and the parishes of Iberia, Jefferson, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Mary, and Terrebonne in Louisiana.

We have determined that climate and citrus plantings in American Samoa, Louisiana, and the Northern Mariana Islands create a favorable environment for the Mexican fruit fly. We are therefore proposing to add the remainder of the State of Louisiana, as well as American Samoa and the Northern Mariana Islands, to the list of areas into or through which the movement of regulated articles is restricted. This action appears to be necessary to prevent these areas from becoming infested with the Mexican fruit fly.

Treatments

We are also proposing to amend § 301.64-10 of the regulations, which sets forth treatments for regulated articles. Under the regulations, a regulated article from a regulated area is eligible for interstate movement pursuant to a certificate if, among other things, it has been treated in accordance with § 301.64-10 of the regulations. Also, a regulated article from a regulated area is eligible for interstate movement pursuant to a limited permit if it is moving under certain conditions to a specified destination for treatment. Based on research,[1] it has been determined that there are two additional treatments for regulated articles that are adequate to destroy the Mexican fruit fly in fruit.

The first treatment, when applied to premises on which any of the regulated articles listed in paragraph (a) of § 301.64-2 are growing, would qualify these articles for interstate movement. The second treatment is a fumigation treatment for grapefruit and oranges. The treatments are as follows:

Articles listed in § 301.64-2(a): Any and all articles listed in § 301.64-2(a), and that are growing within the regulated areas, must receive three or more applications of malathion bait spray at 6- to 10-day intervals, starting at least 30 days before harvest and continuing through the harvest period. The malathion bait spray treatment must be applied at a rate of 2.4 ounces of active ingredient of malathion and 9.6 ounces of protein hydrolysate per acre.

Grapefruit and oranges: Methyl bromide at normal atmospheric pressure—chamber only: 40g/m^3 (2½ lb/1000 ft^3) for 2 hours at 21°—29°C (70°—85°F).

[1] A copy of this research can be obtained by writing to the Administrator, c/o Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Load not to exceed 80% of the chamber volume.

Adding these treatments would facilitate the interstate movement of citrus fruit and other fruit designated as a regulated article from regulated areas.

Miscellaneous

We are also proposing to make non substantive changes for the purpose of clarity.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less that $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Based on a review of available records, there appears to be very little movement of regulated articles from regulated areas in Texas directly to American Samoa and the Northern Mariana Islands. We have determined that American Samoa and the Northern Mariana Islands do not provide a substantial market for regulated articles from regulated areas in Texas.

A review of available records also indicates that most shipments of citrus fruit or other regulated articles from regulated areas in Texas into the unregulated portion of Louisiana are channeled there by brokers in New Orleans, Louisiana. Since New Orleans is within the area of Louisiana that is regulated, all regulated articles shipped from regulated areas into this city are accompanied by a certificate. The certificate indicates that the regulated articles have been inspected by an Animal and Plant Health Inspection Service (APHIS) inspector and determined to be free of Mexican fruit fly, or have been treated under the direction of an APHIS inspector in accordance with § 301.64–10 of the regulations.

Further, this proposed rule would allow entities to continue shipping regulated articles from regulated areas in Texas to American Samoa, all parts of Louisiana, and the Northern Mariana Islands provided certain conditions—ranging from inspection to treatment—are met.

Adding two alternatives to the list of approved treatments appears unlikely to increase the amount of regulated articles that are moved to restricted areas from regulated areas in Texas, since most citrus and other regulated articles moved interstate by these entities are certified for such movement without the need for treatment. (The regulations in § 301.64–5 state, in part, that a regulated article may be moved, with a certificate, if an inspector determines that the regulated article is free from the Mexican fruit fly, or if the inspector determines that the premises of origin is free from the Mexican fruit fly and the regulated article has not been exposed to the Mexican fruit fly. Treatment, therefore, becomes necessary only if the above conditions cannot be met.)

A cold treatment is currently available for regulated articles. The availability of two new alternative treatments would simply provide more treatment options during those instances in which treatment is required.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Mexican fruit fly, Plant diseases, Plant pests, Plant (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 301 would be amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.64 [Amended]

2. In § 301.64(b), the phrase "Arizona; California; Florida; Guam; Hawaii; Puerto Rico; Texas; the Virgin Islands of the United States; and Iberia, Jefferson, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Mary and Terrebonne Parishes in Louisiana," would be removed, and in its place "American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States," would be added.

3. The introductory paragraph in § 301.64–4 would be revised to read as follows:

§ 301.64–4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.[3]

Any regulated article may be moved interstate from any regulated area in a quarantined State into or through those areas listed in § 301.64(b) only if moved under the following conditions:

* * * * *

4. In § 301.64–10, the introductory text would be revised and new paragraphs (c) and (d) would be added to read as follows:

§ 301.64–10 Treatments.

Treatments for regulated articles shall be one of the following:

* * * * *

(c) *Articles listed in § 301.64–2(a):* Any and all articles listed in § 301.64–2(a) that are growing within the regulated area must receive three or more applications of malathion bait spray at 6- to 10-day intervals, starting at least 30 days before harvest and continuing through the harvest period. The malathion bait spray treatment must be applied at a rate of 2.4 ounces of active ingredient of malathion and 9.6 ounces of protein hydrolysate per acre.

(d) *Grapefruit and oranges. MB at NAP—Chamber only:* 40 g/m^3 (2½ lb/1000 ft^3) for 2 hours at 21°–29°C (70°–85°F).

Load not to exceed 80% of the chamber volume.

[3] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

Done in Washington, DC, this 14th day of August 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-19864 Filed 8-19-91; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 425

[Docket No. 0172s]

Peanut Crop Insurance; Notice of Meeting

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes this notice to advise all interested parties that a meeting has been scheduled for the purpose of discussing elements of a Peanut Crop Insurance notice of proposed rulemaking prior to its issuance as a final rule.

On Wednesday, February 6, 1991, FCIC published a notice of proposed rulemaking in the **Federal Register** at 56 FR 4738, proposing to revise and reissue the Peanut Crop Insurance Regulations for the 1992 crop year. The public was invited to submit comments and suggestions on the rule by not later than March 8, 1991.

Several commenters, expressing concern that there would not be sufficient time to assemble data and in-depth analysis, asked FCIC to be allowed a slightly longer comment period. As a result of several requests for additional time to respond to the notice of proposed rulemaking, FCIC published a notice extending the pubic comment period to April 17, 1991 (56 FR 11375, March 18, 1991).

Written comments received in response to the proposed rule are currently under consideration in the process of preparation of the final rule. However, representatives of the peanut producer and insurance industries have requested that additional discussions be held prior to issuance of the final rule.

FCIC is accommodating this request and has scheduled a meeting for all interested parties to be held on August 22, 1991, in room 4096, South Building, U.S. Department of Agriculture, at 2 p.m.

Due to limited space for participants, it is necessary to limit attendance only to principals of concerned insurance companies, peanut producer groups, and individual peanut producers. Those principals wishing to attend should call (202) 447-6795 to arrange for seating as soon as possible.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC., 20250, telephone (202) 447-3325.

Done in Washington, DC on August 15, 1991.

David W. Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 91-20050 Filed 8-19-91; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 206, 207, and 314

[Dockets Nos. 88P-0380 and 89P-0163]

Imprinting of Oral Solid Dosage Form Drug Products; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the proposed rule that would require the imprinting of oral solid dosage form drug products (May 15, 1991, 56 FR 22370). The proposal calls for the imprinting of human drug products in oral solid dosage form (e.g., tablets and capsules) with a product specific code. The code, which would consist of a combination of letters, numbers, or symbols, would assist poison control and other health professionals identify drugs in drug overdose emergencies and other settings. This document extends the time for submission of comments on the proposal.

DATES: Comments by September 19, 1991.

ADDRESSES: Written comments to the Dockets Management Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Deborah Wolf, Center for Drug Evaluation and Research (HFD-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 15, 1991 (56 FR 22370), FDA issued a proposal rule to require that oral solid dosage form human drug products be imprinted with a product specific code. The proposal would require each covered drug product to bear a code imprint that identifies the product and the holder of its approved application for marketing. If the product is not subject to premarketing approval, the proposal would require the identification of the manufacturer or distributor. The code imprint would consist of a combination of letters, numbers, or symbols assigned by the manufacturer or distributor to identify the drug product. The proposal applies to both prescription and nonprescription (over-the-counter (OTC)) drugs. These provisions are intended to assist health care professionals, poison control personnel, and law enforcement officers to identify drug products in various circumstances, ranging from accidental overdose to sales of counterfeit drug products. The proposal gave interested persons the opportunity to submit written comments by August 13, 1991.

FDA has received a request from the Nonprescription Drug Manufacturers Association NDMA) to extend the comment period. NDMA asked that the comment period be extended to permit the nonprescription drug industry to prepare and submit to FDA meaningful comments.

FDA has carefully considered this request and has decided to reopen the comment period in which interested parties may evaluate the proposed rule and submit meaningful comments to the agency. Accordingly, the comment period for submission of comments by any interested person is extended to September 19, 1991 in the **Federal Register**.

Interested persons may, on or before September 19, 1991, submit written comments regarding this proposal to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket numbers found in brackets in the heading of this document. Comments received may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 15, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91-19906 Filed 8-19-91; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 803

[Docket No. 91N-0290]

Medical Device Reporting; Implementation of Distributor Reporting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice informing interested persons that the implementation of the new distributor reporting requirement of the Safe Medical Devices Act of 1990 will be included in a future rulemaking regarding user facility reporting, along with proposed amendments to FDA's medical device reporting regulation.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: The Safe Medical Devices Act of 1990 (SMDA) (Pub. L. 101-629), amends the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321 *et seq.*). Under the SMDA, distributors of medical devices will be required to provide copies of reports of deaths and serious injuries and illnesses (section 519(a)(6) of the act) (21 U.S.C. 360i(a)(6)) to FDA and to the manufacturer. FDA is directed to issue a proposed rule to implement this requirement within 9 months of enactment (August 28, 1991) and a final rule within 18 months of enactment (May 28, 1992). If a final rule is not issued by May 28, 1992, the proposed rule will become effective as the final rule at that time and the regulatory text will be republished in final rule form in the **Federal Register** for purposes of codification in the CFR.

FDA has decided to combine the rulemaking on distributor reporting with the rulemaking on user reporting (section 519(b) of the act) because they are closely related. The user reporting requirement, also added by the SMDA, requires certain device user facilities (hospitals, nursing homes, ambulatory surgical facilities, and outpatient treatment facilities) to report deaths and serious injuries and illnesses related to medical devices to FDA and to the manufacturer, if known. FDA is combining these initiatives because it would not make sense to require distributors to become familiar with a set of regulations that will soon be changed. Accordingly, the new requirements for distributors will be coupled with the revised ones for persons already subject to reporting. The same document will include amendments to FDA's medical device reporting regulation (21 CFR part 803) in which manufacturers are required to report deaths, serious injuries and malfunctions related to medical devices to FDA. The agency is striving to issue the device reporting document on these matters as expeditiously as possible.

Dated: August 14, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91-19720 Filed 8-19-91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Utah Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Utah permanent regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Utah Coal Reclamation Act of 1979 pertaining to the removal of the 2-acre exemption; removal of a section concerning rulemaking authority and procedures; modification to the State's abandoned mine reclamation fund; and the addition of a section explaining how certification of the completion of abandoned mine reclamation on coal lands is to be accomplished. The amendment is intended to revise the Utah program to be consistent with SMCRA, as amended; to incorporate the additional flexibility afforded by the amended SMCRA; and to improve operational efficiency.

This notice sets forth the times and locations that the Utah program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4 p.m., m.d.t. September 19, 1991. If requested, a public hearing on the proposed amendment will be held on September 16, 1991. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t. on September 4, 1991.

ADDRESSES: Written comments should be mailed or hand delivered to Robert H. Hagen at the address listed below. Copies of the Utah program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Avenue SW., suite 310, Albuquerque, NM 87102, Telephone: (505) 766-1486

Utah Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, suite 350, Salt Lake City, UT 84180-1203, Telephone: (801) 538-5340

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, Albuquerque Field Office, on telephone number (505) 766-1486.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, **Federal Register** (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

II. Proposed Amendment

By letter dated July 26, 1991 (administrative record No. UT-663), Utah submitted a proposed amendment to its program pursuant to SMCRA. Utah submitted the proposed amendment at its own initiative. The provisions of the Utah Coal Reclamation Act of 1979 that Utah proposes to amend are: removal of Utah Code Annotated (UCA) 40-10-5, 2-acre exemption; removal of 40-10-6.6, rulemaking authority and procedures; revision of 40-10-25, expenditure priorities for eligible lands and waters under the abandoned mine reclamation program; addition of 40-10-25.1, use of monies for the abandoned mine

reclamation program; addition of 40–10–25.2, liability limitation for abandoned mine reclamation; and addition of 40–10–28.1, certification of completion of coal reclamation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Utah program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m., m.d.t. on September 4, 1991. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "**ADDRESSES.**" A written summary of each meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 9, 1991.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 91–19843 Filed 8–19–91; 8:45 am]

BILLING CODE 4310–05–M

Bureau of Land Management

43 CFR Part 3800

RIN 1004–AB36

[AA–680–00–4130–02]

Mining Claims Under the General Mining Laws; Surface Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; notice of extension of comment period.

SUMMARY: The proposed rule that would amend the surface management regulations under the general mining laws in 43 CFR subpart 3809 to require submission of financial guarantees for reclamation for all operations greater than casual use, create additional financial instruments to satisfy the requirement for a financial guarantee, and amend the noncompliance section of the regulations to require the filing of plans of operations by operators who establish a record of noncompliance, was published in the **Federal Register** on July 11, 1991 (56 FR 31602), allowing 60 days for public comment. In response to public request, the comment period is being extended 30 days to October 9, 1991.

DATES: Comments should be submitted by October 9, 1991. Comments received or postmarked after the above date may not be considered in the decisionmaking process on the final rulemaking.

ADDRESSES: Comments should be sent to Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street NW., Washington, DC 20240. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard Deery, (202) 208–4147.

Dated: August 13, 1991.

Richard Roldan,

Acting Assistant Secretary of the Interior.

[FR Doc. 91–19866 Filed 8–19–91; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7031]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or to remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other

Federal, state of regional entities. These proposed modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance coverage on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed modified flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with minimum Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Flooding source	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	Santa Barbara County, unincorporated areas	San Antonio Creek	Approximately 50 feet downstream of Den Street	*558	*557
			Just upstream of Augusta Street	*579	*579
			Just upstream of U.S. Highway 101	None	*592
			Just upstream of Pierce Ranch Road	None	*606
Maps are available for review at the Santa Barbara County Flood Control and Water Conservation District, 123 East Anapamu Street, Santa Barbara, California. Send comments to The Honorable Diane Owens, Chairperson, Santa Barbara County Board of Supervisors, County Administration Building, 105 East Anapamu Street, Santa Barbara, California 93101.					
Texas	Rockwall, city, Rockwall County	Buffalo Creek Tributary 1	Approximately 80 feet upstream of County Road	None	*536
			Approximately 0.6 mile upstream of confluence with Buffalo Creek Tributary 1.2	None	*565
		Buffalo Creek Tributary 1.1	At confluence with Buffalo Creek Tributary 1	None	*538
			Approximately 750 feet upstream of Industrial Boulevard	None	*552
		Buffalo Creek Tributary 1.2	At confluence with Buffalo Creek Tributary 1	None	*547
			Approximately 1,000 feet upstream of confluence with Buffalo Creek Tributary 1	None	*552
Maps available for inspection at the City Hall, 205 West Rusk, Rockwall, Texas. Send comments to The Honorable Frank Miller, Mayor of the City of Rockwall, Rockwall County, 205 West Rusk, Rockwall, Texas 75087.					
West Virginia	Parsons, town, Tucker County	Shavers Fork	At downstream corporate limits	*1,641	*1,644
			At upstream corporate limits	*1,660	*1,662
		Black Fork	Approximately 300 feet downstream of downstream corporate limits.	*1,642	*1,644
			At upstream corporate limits	*1,654	*1,658
Maps available for inspection at the City Building, Parsons, West Virginia. Send comments to The Honorable John H. Wilson, Mayor of the Town of Parsons, Tucker County, 341 Second Street, Parsons, West Virginia 26287.					

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-19807 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-7032]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110

of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 84 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

PART 67—[AMENDED]

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
IOWA	
Griswold (city), Cass County	
Baughmans Creek:	
Shallow flooding upstream of Scott Street	*1,092
Approximately 650 feet upstream of State Route 92	*1,106
Maps available for inspection at the City Hall, 201 Cass, Griswold, Iowa.	
Send comments to The Honorable Lewis Boucher, Mayor of the City of Griswold, Cass County, 201 Cass, Griswold, Iowa 51535.	
NEW YORK	
Pittsford (town), Monroe County	
East Branch Allen Creek:	
Approximately 130 feet upstream of State Route 253	*581
Approximately 60 feet upstream of Interstate Route 90 westbound	*629
Tributary No. 1 to East Branch Allen Creek:	
At confluence with East Branch Allen Creek	*476
At County Route 37	*520
Tributary No. 2 to East Branch Allen Creek:	
At confluence with East Branch Allen Creek	*503
At downstream side of Willard Road	*590
West Brook:	
Approximately 335 feet downstream of CONRAIL	*456
Approximately .75 mile upstream of County Route 37	*605
Maps available for inspection at the Pittsford Town Hall, 11 South Main Street, Pittsford, New York.	
Send comments to Ms. Margaret M. Freeman, Supervisor of the Town of Pittsford, Monroe County, 11 South Main Street, Pittsford, New York 14534.	
PENNSYLVANIA	
Ashland (borough), Schuylkill County	
Mahanoy Creek:	
Downstream corporate limits	*850
Upstream corporate limits	*894
Maps available for inspection at the Borough Building, 5th & Chestnut Streets, Ashland, Pennsylvania.	
Send comments to Mr. Robert Felker, President of the Borough of Ashland Council, Schuylkill County, Borough Building, 5th & Chestnut Streets, Ashland, Pennsylvania 17921.	
TEXAS	
Lake Worth (city), Tarrant County	
Lake Worth: Along the shoreline within the community	*600
Maps available for inspection at the City Hall, 6720 Telephone Road, Lake Worth, Texas.	
Send comments to The Honorable J.P. Hinkle, Mayor of the City of Lake Worth, Tarrant County, City Hall, 6720 Telephone Road, Lake Worth, Texas 76135.	
WEST VIRGINIA	
Davis (town), Tucker County	
Blackwater River:	
At downstream corporate limits	*3,073
At upstream corporate limits	*3,078
Beaver Creek:	
At confluence with Blackwater River	*3,077
Approximately 100 feet upstream of the upstream corporate limits	*3,080
Maps available for inspection at the Town Hall, William Avenue, Davis, West Virginia.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to The Honorable Doris J. Cussins, Mayor of the Town of Davis, Tucker County, P.O. Box 207, Davis, West Virginia 26260.	
Hambleton (town), Tucker County	
Black Fork:	
At downstream corporate limits	*1,679
At upstream corporate limits	*1,694
Maps available for inspection at the Town Hall, Hambleton, West Virginia.	
Send comments to The Honorable Jim Suesli, Mayor of the Town of Hambleton, Tucker County, Route 1, Box 82, Hambleton, West Virginia 26269.	
Hendricks (town), Tucker County	
Dry Fork:	
At confluence with Black Fork	*1,711
At upstream corporate limits	*1,720
Black Fork:	
At downstream corporate limits	*1,696
At confluence of Dry Fork	*1,711
Blackwater River:	
At confluence with Black Fork	*1,711
At upstream corporate limits	*1,720
Maps available for inspection at 135 Charles Street, Hendricks, West Virginia.	
Send comments to Mr. Don H. Carr, Recorder for the Town of Hendricks, Tucker County, 135 Charles Street, Hendricks, West Virginia 26271.	
Thomas (town), Tucker County	
North Fork Blackwater River:	
At downstream corporate limits	*2,916
At upstream corporate limits	*2,967
Maps available for inspection at the City Hall, Spruce Street, Thomas, West Virginia.	
Send comments to The Honorable Theodore Markley, Mayor of the City of Thomas, Tucker County, P.O. Box 248, Thomas, West Virginia 26292.	
Tucker County (unincorporated areas)	
Cheat River:	
Approximately 3,200 feet downstream of confluence of Clover Run	*1,543
At confluence of Black Fork and Shavers Fork	*1,638
Shavers Fork:	
At confluence with Cheat River	*1,639
At upstream County boundary	*1,812
Black Fork:	
At confluence with Cheat River	*1,638
At confluence of Dry Run and Blackwater River	*1,711
Haddix Run:	
At confluence with Shavers Fork	*1,678
Approximately 12,700 feet upstream of confluence of Fools Run	*2,017
Blackwater River:	
At confluence with Black Fork	*1,711
Approximately 450 feet upstream of the corporate limits of the Town of Hendricks	*1,726
At the downstream corporate limits of the Town of Davis	*3,073
Approximately 350 feet upstream of upstream corporate limits of the Town of Davis	*3,078
Dry Fork:	
At confluence with Black Fork	*1,711
Approximately 7,000 feet upstream of confluence of Red Run	1,845
Horseshoe Run:	
Approximately 100 feet downstream of County Highway 9	*1,723
Approximately 700 feet upstream of the confluence of Wolf Run	*1,679
Pleasant Run:	
At confluence with Shavers Fork	*1,733
Approximately 650 feet upstream of confluence of Little Laurel Run	1,926
North Fork Blackwater River:	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 1,530 feet downstream of County Highway 27	*2,842
Approximately 600 feet upstream of the upstream corporate limits of the Town of Thomas	*2,964
Beaver Brook:	
At confluence with Blackwater River	*3,077
Approximately 300 feet upstream of the upstream corporate limits of the Town of Davis	*3,080

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the County Courthouse, 213 1st Street, Parsons, West Virginia.	
Send comments to Mr. Junior R. Knotts, President of the Tucker County Commission, County Courthouse, Parsons, West Virginia 26287.	

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
Arizona	Town of Chino Valley, Yavapai County.	Santa Cruz Wash	Approximately 60 feet upstream of Road 5 North.	None	*4,491
			At East Perkinsville Road	None	*4,582
			At Road 2 North	None	*4,620
			At Road 1 South	None	*4,726
			150 feet north of Road 4 South	None	*4,801
		Chino Valley Stream	Approximately 100 feet upstream of West Postle Road.	None	*4,540
			At Reed Road	None	*4,550
Maps are available for review at the Department of Planning and Zoning, 1020 West Palamino Street, Chino Valley, Arizona.					
Send comments to The Honorable Liona Couch, Mayor, Town of Chino Valley, P.O. Box 406, Chino Valley, Arizona 86326.					
Florida	Unincorporated Areas of Manatee County.	Braden River	Just upstream of Interstate 75	*14	*14
			Just downstream of State Road 70	None	*37
		Braden River, West Channel	At mouth	None	*35
			Just downstream of State Road 70	None	*37
		Gap Creek	At mouth	None	*8
			Just upstream of Saunders Road	None	*18
		South Fork, Little Manatee River.	At downstream county boundary	None	*45
			Just downstream of Bunker Hill Road (upstream crossing).	None	*95
		Frog Creek	Just upstream of U.S. Route 41	*14	*14
			At confluence of Cedar Drain	None	*21
		Buffalo Canal	At confluence of Cedar Drain	None	*21
			About 2.3 miles upstream of confluence of Wade Canal.	None	*32
		Cabbage Slough	At mouth	None	*15
			Just upstream of Moccasin Wallow Road	None	*24
		Wade Canal	At mouth	None	*24
			About 1.5 miles upstream of Erie Road	None	*35
		Gamble Creek	Just upstream of Golf Course Road	None	*18
			About 1,100 feet upstream of divergence of Frye Canal.	None	*28
		Cedar Hammock Drainage Canal.	Just upstream of 26th Avenue West	None	*16
			Just upstream of 20th Street West	None	*20
		Gates Creek	At mouth	None	*11
			Just downstream of State Road 64	None	*26
		Frye Canal	At mouth	None	*18
			At divergence with Gamble Creek	None	*27
		Mill Creek	About 1.25 miles downstream of State Road 64.	None	*14
			Just upstream of Trail Road	None	*33
		Rattlesnake Slough	At mouth	None	*10
			Just upstream of North Lockwood Ridge Road	None	*15
		Wolf Slough	At mouth	None	*26
			About 1.7 miles upstream of State Road 70	None	*35
		Myakka River	Just upstream of State Road 70	None	*42
			Just downstream of State Road 64	None	*74
		Cooper Creek	At mouth	None	*15
			Just downstream of University Parkway	None	*21
		East Fork Cooper Creek	At mouth	None	*15
			About 2,900 feet upstream of Trail Road	None	*23

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
		Cypress Strand	At mouth	None	*7
			Just downstream of Landfill Road	None	*31
		Williams Creek	At mouth	None	*8
			Just upstream of Trail Road	None	*26

Maps available for inspection at Development and Review Department, County Administrative Complex, 1112 Manatee Avenue, West, 4th Floor, Bradenton, Florida.
Send comments to The Honorable Dave Roth Fuss, Acting County Administrator, Manatee County, P.O. Box 1000, Brandenton, Florida 34206.

Florida	City of Zephyrhills, Pasco County.	Zephyr Creek	About 1,600 feet downstream of C Avenue	None	*81
			About 4,250 feet upstream of Eighth Avenue	None	*85

Maps available for inspection at the Building Department, City Hall, 5335 8th Street, Zephyrhills, Florida 34248.
Send comments to The Honorable Floyd A. Nichols, City Manager, City of Zephyrhills, 5335 8th Street, Zephyrhills, Florida 34248.

Georgia	City of Athens, Clarke County.	Trail Creek	At mouth	*607	*613
			Just downstream of U.S. Route 129	*632	*634
			Just upstream of U.S. Route 129	*633	*640
			About 0.38 mile upstream of U.S. Route 129	*643	*645
		East Fork Trail Creek	At mouth	*643	*645
			Just downstream of Athena Drive	*663	*666
			Just upstream of Athena Drive	*675	*674
			Just downstream of Olympic Drive	*675	*674
			Just upstream of Olympic Drive	*675	*682
			Just downstream of Joyles Road	*735	*735
			Just upstream of Joyles Road	*741	*742
			About 0.76 mile upstream of Joyles Road	*782	*785
		West Fork Trail Creek	At mouth	*643	*645
			Just downstream of SCS dam	*717	*714
			Just upstream of SCS dam	*717	*729
			About 0.95 mile upstream of SCS dam	None	*742
		Cedar Creek	At mouth	*538	*538
			Just downstream of Barnett Shoals Road	*602	*602
			Just upstream of Barnett Shoals Road	*616	*619
			Just downstream of Old Lexington Road	*631	*633
			Just upstream of Old Lexington Road	*636	*641
			Just downstream of Cedar Shoals Road	*649	*652
			Just upstream of Cedar Shoals Road	*668	*668
			About 0.51 mile upstream of Cedar Creek Road.	None	*697
		Tributary M	At mouth	None	*624
			Just downstream of Newton Bridge Road	None	*624
			Just upstream of Newton Bridge Road	*626	*630
			About 4,000 feet upstream of Chase Street	None	*645
		Tributary M-T	At mouth	*631	*634
			Just downstream of U.S. Route 29	*643	*645
			Just upstream of U.S. Route 29	*651	*656
			Just downstream of CSX railroad	*659	*656
			Just upstream of CSX railroad	*663	*664
			About 700 feet upstream of CSX railroad	None	*674
		Oconee River	Just upstream of Barnett Shoals Road	*533	*533
			Just downstream of confluence of North Oconee River.	*541	*541
		Middle Oconee River	At mouth	*541	*541
			At county boundary	*649	*652
		McNutt Creek	Just downstream of U.S. Route 129	*558	*559
			Just downstream of State Route 732	*570	*571
			Just upstream of State Route 732	*570	*576
			Just downstream of U.S. Route 78	*710	*710
		North Oconee River	At mouth	*541	*541
			At county boundary	*628	*634
		Walton Creek	At mouth	*627	*632
			About 2,000 feet upstream of mouth	*633	*633
		Sandy Creek	At mouth	*620	*625
			About 2.13 mile upstream of mouth	*625	*625
		Noketchee Creek	At mouth	*620	*625
			About 3,500 feet upstream of mouth	*625	*625
		Big Bear Creek	At mouth	*618	*619
			Just upstream of Big Bear Road	*619	*619
		Turkey Creek	At mouth	*608	*607
			Just downstream of Tallahassee Road	*610	*610
		Malcolm Branch	At mouth	*580	*579
			Just upstream of unnamed dirt road	*580	*580
		Tributary A	At mouth	*578	*576
			About 350 feet upstream of mouth	*578	*578
		Hunnicut Creek	At mouth	*584	*582

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
			About 200 feet upstream of mouth	*584	*584
		Tributary F	At mouth	*619	*623
			Just downstream of Norfolk Southern railway	*629	*629
		Brooklyn Creek	At mouth	*569	*568
			About 1,250 feet upstream of mouth	*569	*569
		Tributary K	At mouth	*600	*601
			Just upstream of College Station Road	*601	*601

Maps available for inspection at the Athens/Clarke Planning Commission, 155 East Washington Street, Athens, Georgia.

Send comments to The Honorable Gwen O'Looney, Executive Official, Athens/Clarke County, P.O. Box 329, Athens, Georgia 30603.

Georgia	Unincorporated Areas of Gwinnett County.	Alcovy River	About 2.1 miles upstream of State Route 81	None	*780
			Just downstream of rubble dam	None	*850
			Just upstream of rubble dam	None	*860
			Just downstream of Hurricane Shoals Road	None	*971
			Just upstream of Hurricane Shoals Road	None	*990
			Just downstream of Hood Road	None	*1000
			Just upstream of Hood Road	None	*1005
			Just downstream of private drive (just upstream of Old Fountain Road).	None	*1042
			Just downstream of private drive (just upstream of Old Fountain Road).	None	*1047
			About 1,100 feet upstream of Old Fountain Road.	None	*1049
		Cedar Creek	At mouth	None	*951
			Just downstream of Cedars Road	None	*953
			Just upstream of Cedars Road	None	*976
			Just downstream of CSX railroad	None	*976
			About 1,150 feet upstream of CSX railroad	None	*989
			Just downstream of Progress Center Avenue	None	*996
		Hopkins Creek	At mouth	None	*868
			Just downstream of Winder Highway	None	*886
			Just upstream of CSX railroad	None	*896
			Just downstream of Fence Road	None	*998
			Just upstream of Fence Road	None	*1007
			About 1,400 feet upstream of Fence Road	None	*1008
		Ivy Creek Tributary	At mouth	None	*1040
			Just downstream of private driveway (about 3,750 feet upstream of mouth).	None	*1057
			Just upstream of private driveway (about 3,750 feet upstream of mouth).	None	*1062
			About 0.9 mile upstream of mouth	None	*1065
		Level Creek	At mouth	None	*914
			Just downstream of rubble dam	None	*926
			Just upstream of rubble dam	None	*936
			Just downstream of Settles Bridge Road	None	*945
			Just upstream of Settles Bridge Road	None	*952
			Just downstream of Level Creek Road	None	*1007
		Little Ivy Creek	At mouth	None	*1018
			Just downstream of Interstate 85	None	*1024
			Just upstream of Interstate 85	None	*1031
			Just downstream of private driveway (about 1.6 miles upstream of mouth).	None	*1036
			Just upstream of private driveway (about 1.6 miles upstream of mouth).	None	*1041
			Just downstream of Pucketts Mill Road	None	*1091
			Just upstream of Pucketts Mill Road	None	*1097
			About 3,600 feet upstream of Pucketts Mill Road.	None	*1118
		Big Haynes Creek	At county boundary	None	*847
			Just downstream of Snellville-Grayson Road	None	*905
			Just upstream of Snellville-Grayson Road	None	*914
			Just downstream of SCS Earth Dam	None	*928
			Just upstream of SCS Earth Dam	None	*947
			Just downstream of Hillside Drive	None	*951
		Ivy Creek	Just upstream of Westbrook Road	None	*956
			Just upstream of concrete dam	None	*1005
			Just upstream of concrete dam	None	*1010
			Just downstream of Thompson Mill Road	None	*1113
		Turkey Creek	At mouth	*832	*832
			Just downstream of Oak Road	*891	*896
			Just upstream of Oak Road	*895	*906
			About 2,660 feet upstream of Spanish Oak Road.	None	*924
		Shoal Creek	At mouth	None	*826

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
			Just downstream of private driveway (about 1,500 feet upstream of Hiram Davis Road).	None	*868
			Just upstream of private driveway (about 1,500 feet upstream of Hiram Davis Road).	None	*873
			Just downstream of Paper Mill Road	*931	*930
		Bromolow Creek	At mouth	*864	*864
			Just downstream of Steve Reynolds Boulevard	*870	*871
			Just upstream of Steve Reynolds Boulevard	*871	*876
			Just downstream of Interstate 85	*880	*881
			Just upstream of Interstate 85	*882	*889
			Just downstream of West Lindell Road	*894	*893
			Just upstream of West Lindell Road	*902	*903
			Just downstream of Old Norcross Road	*921	*918
			Just upstream of Old Norcross Road	None	*927
			About 2,100 feet upstream of Old Norcross Road.	None	*935
		Bromolow Creek Tributary No. 1.	At mouth	* 888	* 890
			Just downstream of Satellite Boulevard	* 897	* 899
			Just upstream of Satellite Boulevard	* 900	* 905
			Just downstream of Pond Road	* 902	* 905
			Just upstream of Pond Road	* 907	* 910
			Just downstream of Ingram Road	* 924	* 918
			Just upstream of Ingram Road	* 925	* 924
			Just downstream of Buford Highway	* 959	* 960
			Just upstream of Buford Highway	* 964	* 969
			Just downstream of Norfolk Southern Railway	* 973	* 979
		Bromolow Creek Tributary No. 1.1.	At mouth	* 915	* 912
			About 1,350 feet upstream of Appaloosa Trace	* 936	* 936
		Shelley Creek	At mouth	* 889	* 891
			Just downstream of Old Norcross Road	None	* 901
		Lee Daniel Creek Tributary No. 2.	Just downstream of dam about 550 feet upstream of Interstate 85.	* 899	* 898
			Just upstream of dam about 550 feet upstream of Interstate 85.	* 899	* 908
			Just downstream of Duluth Highway	* 915	* 914

Maps available for inspection at the Department of Planning and Development, 75 Langley Drive, Lawrenceville, Georgia.

Send comments to The Honorable Lillian Webb, Chairperson, Board of Commissioners, Gwinnett County, 75 Langley Drive, Lawrenceville, Georgia 30245.

Missouri	Unincorporated Areas of Cass County.	East Creek	About 2.2 miles downstream of County Highway YY.	None	* 875
			About 3.54 miles uptream of 195th Street	None	* 1,021
		West Fork	At mouth	None	* 902
		East Creek	About 1.1 miles upstream of 187th Street	* 981	* 981
		Tributary B	At mouth	None	* 878
			Just downstream of County Highway YY	None	* 885
			Just upstream of County Highway YY	None	* 891
			About 3,400 feet upstream of 215th Street	None	* 984
		Big Creek	About 1.0 mile upstream of County Road	None	* 850
			About 1.2 miles upstream of abandoned railroad.	None	* 869
		North Overflow Big Creek	About 1,300 feet downstream of State Highway 7.	None	* 850
			About 1,400 feet upstream of State Highway 7	None	* 852

Maps available for inspection at the Zoning Office, County Courthouse, Harrisonville, Missouri.

Send comments to The Honorable Ray White, Presiding Commissioner, Cass County, County Courthouse, Harrisonville, Missouri 64701.

New Jersey	Ridgefield, Borough Bergen County.	Overpeck Creek	Upstream side of Hendricks Causeway	*6	*7
			Upstream corporate limits	*6	*7
		Wolf Creek	Upstream side of CONRAIL	*7	*9
			Approximately 50 feet downstream of dam downstream of Broad Avenue.	*7	*9

Maps available for inspection at the Borough Hall, 604 Broad Avenue, Ridgefield, New Jersey.

Send comments to The Honorable Stewart Veale, Mayor of the Borough of Ridgefield, Bergen County, 604 Broad Avenue, Ridgefield, New Jersey 07657

New York	Newstead, Town Erie County.	Murder Creek	Approximately 1,325 feet downstream of Brucker Kirby Road.	None	*605
			Approximately .68 mile downstream of State Route 93.	*623	*622
		Ledge Creek	Approximately .7 mile downstream of Cedar Street.	None	*605
			Approximately 125 feet upstream of Martin Road.	None	*634

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
Maps available for inspection at the Town Hall, Church & Johns Streets, Akron, New York. Send comments to Mr. David L. Cummings, Newstead Town Supervisor, Erie County, P.O. Box 227, Akron, New York 14001.					
Pennsylvania	Lower Alsace, Township Berks County.	Tributary B	Approximately 380 feet upstream of the confluence with Antietam Creek.	*392	*391
			At Route 73	*572	*570
		Antietam Creek	Approximately 400 feet downstream of upstream corporate limits.	None	*539
			At upstream corporate limits	None	*571
Maps available for inspection at the Township Municipal Building, 750 North 25th Street, Reading, Pennsylvania. Send comments to Mr. Neil Hill, Chairman of the Township of Lower Alsace Board of Supervisors, Berks County, Township Municipal Building, 750 North 25th Street, Reading, Pennsylvania 19606.					
Pennsylvania	Somerset, Township, Somerset County.	East Branch, Coxes Creek	Approximately 1,500 feet downstream of Musselman Avenue.	*2,098	*2,099
			Approximately 1,200 feet upstream of confluence with unnamed tributary to East Branch Coxes Creek at access road.	*2,104	*2,105
		Unnamed Tributary to East Branch Coxes Creek.	At confluence with East Branch Coxes Creek	*2,103	*2,105
			Approximately 300 feet upstream of corporate limits.	None	*2,105
Maps available for inspection at the Township Municipal Building, Somerset, Pennsylvania. Send comments to Mr. Dean M. Ream, Chairman of Township of Somerset Board of Supervisors, Somerset County, Municipal Building, R.D. 2, Box 218, Somerset, Pennsylvania 15501.					
Puerto Rico	Rio Mameyes Basin, Rio Grande de Patillas and Rio Guamani Basin.	Atlantic Ocean	At Atlantic Ocean shore line just west of the mouth of Rio Mameyes.	**2.8	**4.3
		Rio Guamani	Just downstream of Camino Pozo Hondo	**48.6	**49.0
			Approximately 410 meters upstream of Camino Pozo Hondo.	**54.4	**54.5
		Rio Nigua	Approximately 40 meters above confluence with Caribbean Sea.	**1.9	**2.0
			Approximately 1,185 meters upstream of Puerto Rico Highway 753.	**60.3	**60.2
**Elevation in meters (Mean Sea Level) Maps available for inspection at the Minillas Governmental Center, De Diego Avenue, 13th Floor, North Building, Stop 22, San Juan, Puerto Rico. Send comments to Ms. Patria G. Custodio, Chairperson, Puerto Rico Planning Board, Minillas Governmental Center, North Building, De Diego Avenue, Stop 22, P.O. Box 41119, San Juan, Puerto Rico 00940-9985.					
Texas	Corpus Christi, City Nueces and Kleburg Counties.	Gulf of Mexico	West of Leeward Drive	*8	*9
			Eastern Mustang Island shoreline southeast of Coyote Island.	*10	*14
		Laguna Madre	Wilsons Cut	*8	*9
			Park Road No. 22 approximately 2,200 feet south of Commodires Drive.	*8	*11
		Corpus Christi Bay	Port Aransas Road approximately 9,000 feet south of Coyote Island.	*8	*10
			Mustang Island western shoreline approximately 9,000 feet south of Coyote Island.	*8	*10
Maps available for inspection at the Planning Department, City Hall, 1201 Leopard, Corpus Christi, Texas. Send comments to The Honorable Betty Turner, Mayor of the City of Corpus Christi, Nueces and Kleberg Counties, P.O. Box 9277, Corpus Christi, Texas 78469					
Texas	Galveston County, Unincorporated Areas.	Gulf of Mexico	Approximately 500 feet north of bridge on 7th Street crossing Horseshoe Lake.	*12	*17
			Bob's Road approximately 1,000 feet Bayward of Route 87.	*12	*17
			Gulf Shore Drive approximately 150 feet seaward of end of road.	*21	*17
			Atlantic shoreline at intersection of Routes 87 and 124.	*21	*19
Maps available for inspection at the County Courthouse, 722 Moody, Galveston, Texas. Send comments to The Honorable Ray Holbrook, Galveston County Judge, 722 Moody, Galveston, Texas 77550.					
Texas	Nueces County, Unincorporated Areas.	Gulf of Mexico	Vieuto Del Mar (extended)	*10	*14
			East-west access road to Nueces County Park No. 1.	*8	*10
		Laguna Madre	Packery channel east of Packery Channel Park	*11	*12
			Approximately 1,000 feet southwest of bayside mouth of Corpus Christi Pass.	*9	*12

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet	
				Existing (NGVD)	Modified
Maps available for inspection at the Nueces County Courthouse, Corpus Christi, Texas.					
Send comments to The Honorable Robert N. Barnes, Nueces County Judge, P.O. Box 2157, Corpus Christi, Texas 78403.					
West Virginia	Harrison County, Unincorporated Areas.	West Fork River	Approximately 1.1 miles upstream of New Enterprise Road bridge.	*906	*907
			At upstream County boundary	*994	*996
Maps available for inspection at the Harrison County Courthouse, 301 West Main Street, Clarksburg, West Virginia.					
Send comments to Mr. Thomas Keeley, President of the Harrison County Commission, County Courthouse, 301 West Main Street, Clarksburg, West Virginia 26301.					
West Virginia	Marion County, Unincorporated Areas.	West Fork River	Approximately 500 feet upstream of the downstream City of Fairmont corporate limits.	*879	*878
			Approximately 400 feet upstream of the confluence of Bingamon Creek.	None	*903
		Bingamon Creek	At the confluence with the West Fork River	None	*902
			Approximately 25 feet downstream of U.S. Route 19.	*None	*902
Maps available for inspection at the City/County Building, Room 403, 200 Jackson Street, Fairmont, West Virginia.					
Send comments to Mr. John P. Carson, Administrative Assistant, Marion County Commission, 200 Jackson Street, Fairmont, West Virginia 26554.					

Issued: August 6, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-19809 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6897]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 55 FR 34292 on August 22, 1990. This correction notice provide a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Unincorporated Areas of Grayson County, Texas.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Grayson County, previously published at 55 FR 34292 on August 22, 1990, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

On page 34292, in the August 22, 1990 issue of **Federal Register**, the entry for the Red River under Grayson County (Unincorporated Areas), in Texas, is corrected to read as follows:

Source of flooding and location	# Depth in feet above ground. * Elevation in feet (NGVD)
* * * * *	
Red River:	
Approximately 2.2 miles downstream of State Route 120	* 511
Approximately 2.0 miles upstream of U.S. Routes 69 and 75	* 536
* * * * *	

Issued: July 24, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-79803 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 56, No. 161
Tuesday, August 20, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 91-119]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of Permit To Field Test Genetically Engineered Organism

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to allow the field testing of a genetically engineered organism. The assessment provides a basis for the conclusion that the field testing of the genetically engineered organism will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, 20782, (301) 436-7612. For copies of the environmental assessment and finding of no significant impact, write Clayton Givens at this same address. The documents should be requested under the permit numbers listed below.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the organism under the conditions described in the permit application. APHIS concluded that the issuance of the permit listed below will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by the applicant as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact associated with conducting the field test.

An environmental assessment and finding of no significant impact have been prepared by APHIS relative to the issuance of the following permit to allow the field testing of a genetically engineered organism:

Permit No.	Permittee	Date issued	Organism	Field test location
91-107-04	Calgene, Incorporated	07-11-91	Tomato plants genetically engineered to express a cytokinin biosynthetic gene or a polygalacturonase (PG) antisense gene.	San Joaquin County, California.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 14th day of August 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-19865 Filed 8-19-91; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Stabilization and Conservation Service

Agricultural Marketing Service

Mohair Advertising and Promotion

AGENCY: Agricultural Stabilization and Conservation Service and Agricultural Marketing Service, USDA.

ACTION: Notice of results of mohair producer referendum.

SUMMARY: The purpose of this notice is to announce that the requisite number of mohair producers voting in a referendum have approved a new agreement between the Secretary of Agriculture (Secretary) and the Mohair Council of America, Inc. (MCA). The referendum was conducted by the Secretary in accordance with provisions of section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787) (the "Wool Act"). The agreement provides for deductions to be made from the price support payments made to producers under the Wool Act on mohair from Angora goats marketed during the years 1991 through 1995. These deductions are to be used by the MCA for advertising and sales promotion programs and for the dissemination of information on product quality, production management, and marketing improvement for mohair or the products thereof.

EFFECTIVE DATE: August 20, 1991.

FOR FURTHER INFORMATION CONTACT: Harry D. Millner, Program Specialist, EOLPD, ASCS, USDA, P.O. Box 2415, Washington, DC 20013. Telephone (202) 475–3605.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Regulations 1512–1 and Executive Order 12291 and has been classified as "not major." It has been determined that the provisions of this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) significant adverse effects on competitive, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this notice applies as found in the Catalog of Federal Domestic Assistance are: National Wool Act Payments; 10.059.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Marketing Service (AMS) and the Agricultural Stabilization and Conservation Service (ASCS) are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 relating to intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Section 708 of the Wool Act authorizes the Secretary to enter into agreement with, or to approve agreements entered between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, mohair, sheep, or goats or their products. Section 708 further provides that such agreements may provide for the deduction of amounts from payments due producers under the mohair price support program, such amounts to be used in paying costs of such activities, if at least a majority of the voting producers or producers who have produced a majority of the total volume of production represented in the referendum approve the agreements.

Notice

Pursuant to section 708 of the National Wool Act of 1954, as amended, a referendum was held during the period of June 17 through June 28, 1991, to determine whether mohair producers approved of an agreement providing for pro rata deductions to be made from price support payments made to producers of mohair for the 1991 through 1995 marketing years. Anyone who owned Angora goats 6 months of age or older in the United States, continuously, for a period of at least 30 days during the calendar year 1990 was eligible to vote. In the referendum 2,654 producers, constituting 86.9 percent of the voting producers, voted in favor of the agreement and 396 producers or 13.1 percent voted against it.

The agreement provides for deductions to be made from price support payments at a rate of up to 4.5 cents per pound of mohair marketed during calendar years 1991 through 1995. Amounts deducted will be made available to the Mohair Council of America, Inc. (MCA) to be used to finance domestic and foreign advertising and sales promotion programs and programs for the development and dissemination of information on product management, and marketing quality, production management, and marketing improvement for mohair or the products thereof.

Signed at Washington, DC on August 13, 1991.

John A. Stevenson,

Acting Administrator, Agricultural Stabilization and Conservation Service.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 91–19863 Filed 8–19–91; 8:45 am]

BILLING CODE 3410–05–M

Food and Nutrition Service

Food Stamp Program: Recipient Claims Collection: Test of Offsetting Federal Income Tax Refunds

AGENCY: Food and Nutrition Service, USDA.

ACTION: General notice.

SUMMARY: The Department hereby gives notice that it intends to test the feasibility and effectiveness of offsetting Federal income tax refunds to collect claims against households for overissued food stamp benefits. The offset will be made from tax refunds payable to individuals liable for those claims. This notice describes the test procedures, including notices to individuals, appeal rights and related requirements for State agencies.

DATES: This notice will be effective September 19, 1991. Comments will be accepted until September 19, 1991. Implementation of this test will begin September 19, 1991.

ADDRESSES: Comments should be addressed to Abigail C. Nichols, Director, Program Accountability Division, Food Stamp Program, 3101 Park Center Drive, room 907, Alexandria, Virginia 22302. Comments can be reviewed at that address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Abigail C. Nichols, Director, Program Accountability Division, Food Stamp Program, 3101 Park Center Drive, room 907, Alexandria, Virginia 22302, telephone (703) 756–3414.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Secretary's Memorandum 1512–1

This proposed action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–

1. The action will affect the economy by less than $100 million a year. The action will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified the notice as "not major".

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice to 7 CFR part 3015, subpart V (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this notice does not have a significant economic impact on a substantial number of small entities. This notice will affect the State and local agencies which administer the Food Stamp Program and individuals who have received excess food stamp benefits.

Paperwork Reduction Act

This notice does not contain reporting or record keeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Background

a. General

The Department is testing the offset of Federal income tax refunds as a means of collecting Food Stamp Program recipient claims for overissued benefits. The purpose is to determine if this procedure is a cost effective way to increase collections of those claims. The Department is testing this method of collection because other Federal agencies have found the method cost effective. For example, the Department of Health and Human Services uses it to collect delinquent child support, and the Department of Education uses it to collect delinquent student loans. It appears to be a relatively low-cost procedure which State agencies can use when other collection methods are ineffective. The procedures include requirements for prior notification of households about the possibility of the offset and about appeal rights. The notification and appeal rights are in addition to the currently required notification to households concerning claims and rights to fair hearings. The Department is also testing this procedure because State agencies have been asking that this method of collection be made available to them.

The test will be limited initially to claims established by the Alabama and California State agencies and will begin with tax refunds for tax year 1991. Based upon the results of this initial test, additional test States may be added in subsequent years. Notice of expansion of the test to other States will be published in the Federal Register. State agencies wishing to be considered for participation in later years should contact their Food and Nutrition Service (FNS) regional office. FNS intends to evaluate the test in terms of feasibility and cost-effectiveness, and State agencies participating in the test are required to cooperate in evaluation of the offset program. If the test is successful, the Department intends to incorporate the offset program into food stamp regulations.

The test is being conducted under the authority of the statutes and regulations specified in this Notice. The statute which authorizes tax refund offset in general, the Deficit Reduction Act of 1984 (DEFRA) (31 U.S.C. 3720A), has a sunset clause which has been extended through January 10, 1994. Because many Federal agencies use the offset, the Department expects that legislation will be enacted to continue to authorize the procedure. (Separate legislation authorizes the offset of delinquent child support payments, and that legislation has no sunset clause.) The authority to test program changes such as the tax refund offset program is provided in section 17(b) of the Food Stamp Act of 1977, as amended (7. U.S.C. 2026).

Under Internal Revenue Service (IRS) procedures, the Federal tax offset operates in a pre-offset and an offset phase. During the pre-offset phase participating agencies: (1) Develop files of debts that meet IRS requirements; (2) test files for compliance with IRS data processing requirements; (3) obtain IRS addresses for persons who have submitted a tax return in a recent year; and (4) notify debtors of their intention to submit the debt for offset. Agencies then certify a single list of debts that meet all of IRS requirements for a past-due and legally enforceable debt. At this point the offset phase begins. No additions can be made to the certified list of debts, but agencies must update weekly the amounts of debts on that list to reflect offsets by IRS or any collections or changes in the status of the debts that come to the attention of the certifying agencies. During the offset phase IRS offsets the certified debts against any tax refunds payable to the debtor, and notifies the debtor and agency of offsets which have been made.

The IRS is requiring FNS to consolidate and submit as one group all food stamp recipient claims. FNS will collect food stamp recipient claims information from the States, consolidate it, and submit it to the IRS.

This **Federal Register** Notice specifies the requirements for State agencies which participate in the offset program. State agencies must certify to FNS their compliance with the requirements of this Notice. FNS will, in turn, enter into appropriate agreements and certifications with IRS. In addition, State agencies participating in the tax refund offset program are subject to all Food Stamp Program requirements for establishing and collecting claims in 7 CFR 273.18 of the Food Stamp Program regulations. Most of the requirements for the offset program are based on DEFRA and on IRS rules. In addition to complying with this Notice and related food stamp regulations, State agencies must comply with IRS Revenue Procedures (DMF–92, Issue 4, May 1991 or any later version applicable to offsets for a particular tax year). Those procedures deal primarily with technical matters such as formats for automated data files, timeframes for their submission, and instructions for reporting and accounting for amounts collected from Federal income tax refunds. The IRS schedules and procedures change somewhat year to year. State agencies need to comply with strict deadlines for submitting automated data files to FNS to allow FNS to consolidate and transmit the information to IRS within IRS deadlines. Consequently, the Department will inform State agencies of changes in IRS requirements and the annual schedule for State agency submissions to FNS. State agencies participating in the offset program must meet the requirements of the operational guidelines which will be issued by FNS. State agencies are required to supplement those guidelines with whatever other guidance they deem necessary to implement the program in their particular States.

In addition, this Notice requires that in order to participate in the offset

program, State agencies must submit an annual written statement that they will comply with this Notice and with operational guidelines, and that they will attend training sessions which FNS may require. FNS intends to conduct a training session for State agencies prior to or early in the first year that they begin to participate in the program.

b. Claims Referrable for Offset

The DEFRA and the IRS regulations specify certain criteria for debts which can be referred for offset. This Notice incorporates those requirements as well as additional requirements which the Department believes are required by the Food Stamp Program. All recipient claims referred for offset in the file which the State agency certifies to FNS must meet these criteria. States are encouraged to make the files conform to final requirements as early in the pre-offset testing process as possible in order to facilitate compliance with the requirements for the final file.

This Notice follows DEFRA by requiring that claims submitted for offset be past-due and legally enforceable. There are six additional criteria for claims which can be referred for offset. First, for purposes of testing the offset, the Department has chosen to limit its use to inadvertent household error (IHE) and intentional program violation (IP) claims. Second, the IRS has set a minimum $25 threshold. Third, the IRS requires that a claim must be delinquent no more than 10 years and no less than three months when it is submitted. To allow for processing time, this Notice establishes the timeframes for delinquency at no more than nine years, 11 months and no less than three months as of the date State agencies are required to submit the final file of claims to FNS. An exception is where the debt has been reduced to a final judgment entered by a court ordering the debtor to pay the debt. Such debts are not subject to the 10 year limit.

In addition, section (b)(3) of this Notice contains some additional limitations on claims which can be considered delinquent for the offset program based on Food Stamp Program regulations. Under section (b)(3)(i), a recipient claim cannot be considered delinquent pending a fair hearing which was requested within the 90 days provided in current rules at 7 CFR 273.15(g). Section (b)(3)(ii) provides that a claim cannot be considered delinquent until the item allowed for responding to the initial demand letter provided in 7 CFR 273.18(d)(4)(ii) has elapsed. Finally, a claim is not delinquent where the household has entered an agreement to make scheduled payments as provided in 7 CFR 273.18(g) and continues to make payments in good faith.

The fourth criterion reflects section 13(a)(2) of the Food Stamp Act (7 U.S.C. 2022) which makes each adult member of a household jointly and severally liable for the value of food stamps overissued to the household. The Department recognizes that, as current rules authorize at 7 CFR 273.18 (a) and (f), State agencies may be attempting to collect a single claim from all adult members of a household which received an overissuance. However, in order to avoid offsetting excess amounts from tax refunds which must then be returned, the IRS does not allow multiple submissions of the same debt. Consequently, this Notice provides that each claim must be submitted in the name of only one individual or must be reduced by any amount submitted as a separate claim for other individuals who are jointly and severally liable for the claim.

The fifth criterion is detailed in section (b)(5) of this Notice. Under that criterion, claims may not be referred for offset where there is a bankruptcy stay in effect or where the claim has been discharged in bankruptcy.

The final criterion is required by the DEFRA and by IRS rules. Section (b)(6) of this Notice provides that claims cannot be referred for offset unless individuals have been provided the notice of the intended action and of their appeal rights. The notice and appeal procedures are contained in sections (c), (e) and (f) of this Notice, and are discussed and explained below.

c. 60-day Notice to Individuals

In order to comply with the DEFRA and IRS rules, State agencies participating in the tax intercept test must notify the debtor that they intend to refer a claim for offset, and must also give the debtor at least 60 days to appeal the intended offset by presenting evidence that all or part of the claim is not past due or is not legally enforceable.

The IRS requires that FNS obtain IRS approval of the pre-offset notice (the 60-day notice) before using it. State agencies must use the FNS model letter or obtain prior approval from FNS of the format of the 60-day notice they intend to use.

The FNS operational guidelines will specify the deadline by which State agencies must have sent the 60-day notices to individuals for claims to be eligible for referral for offset. That deadline is based on the requirement for the 60-day notice period and on the date by which the IRS must receive the certification of files for the particular year's offset program. The deadline will be about October 1 of each year.

IRS rules state that, in order to make a reasonable effort to notify the individual about the intended referral for offset, the State agency must use address information provided by the IRS. The IRS provides such address information to State agencies during the annual cycle of pre-offset tape submissions. The end of the first pre-offset cycle is late July. Because of the publication date of this Notice, 60-day notices to individuals during the first year of the test will be sent close to the deadline. In subsequent years, State agencies will be able to mail the 60-day notices as soon as they begin receiving IRS-provided addresses. The Department encourages early mailing for two reasons. One is that in response to 60-day notices other agencies conducting Federal tax refund offsets have received significant payments on their debts. Secondly, early mailing of 60-day notices allows more time for the appeals process to be completed before the final file of claims must be submitted.

This IRS specifies that the use of addresses from IRS files is the standard for a reasonable attempt to notify individuals about the intended referral for offset because all taxpayers are required to keep their address current with the IRS. In some instances, State agencies may believe their files contain better address information. This Notice requires that 60-day notices be mailed to addresses provided by IRS and that they may also be mailed to addresses from State agency files if the State agency believes that the address in its files is better than the one provided by IRS.

d. Contents of the 60-day Notice.

The DEFRA specifies that a Federal agency which is owed a past-due legally enforceable debt cannot refer the debt for offset until the agency: (1) Notifies the person incurring the debt that the agency holding the debt intends to refer the debt for offset pursuant to the DEFRA; and (2) gives the person at least 60 days to present evidence that the debt is not past-due or is not legally enforceable. The DEFRA also requires that the agency satisfy the Secretary of the Treasury that it has made reasonable efforts to obtain payment of the debt. The IRS requires that the 60-day notice inform the debtor of the amount of the debt. State agencies establish a claim as past-due and legally enforceably in the process of establishing the claim and making reasonable efforts to collect the claim as required in 7 CFR 273.18 of the Food Stamp Program regulations.

Consequently, in the 60-day notice State agencies must inform individuals that State agency records document that the individual is liable for a specified, unpaid balance of a claim for overissued food stamp benefits, and that the State agency has previously notified the individual about the claim and made prior collection efforts as required by the Food Stamp Program. The Notice must also state that the claim is past due and legally enforceable. In addition, to help assure that the 60-day notice is sent to the correct individual, it must contain the individual's social security number. The 60-day notice must also inform the individual that DEFRA authorizes the IRS to deduct such debts from tax refunds and that the State agency intends to refer the claim for such deduction unless the individual pays the claim within 60 days of the date of the letter or makes other repayment arrangements acceptable to the State agency.

The 60-day notice must also include instructions about how to pay the claim, including the name, address and telephone number of a State agency contact who can discuss the claim and the intended offset with the individual. This information is needed so that individuals will know how they can contact the State agency and where to send payments.

The 60-day notice must inform the individual of six factors pertaining to his or her appeal rights. Most of these factors are based on the requirements of DEFRA. First, the individual is entitled to appeal the intended referral for offset. Second, the State agency will not review appeals which it receives later than 60 days after the date of the 60-day notice. Third, claims that have been appealed will not be referred for offset while under appeal. Fourth, to appeal, an individual must provide evidence or documentation that the claim is not past due or is not legally enforceable. Fifth, an appeal is not considered received until the individual provides such evidence or documentation. (The contact identified in the 60-day notice is expected to discuss questions about presenting evidence with individuals who call to discuss the intended referral for offset.) Sixth, the individual must provide his or her Social Security Number with the appeal. (This requirement is to ensure that this key identifier is correct.)

As mentioned earlier in this preamble, a claim may not be referred for offset where a bankruptcy stay is in effect or where the claim has been discharged in bankruptcy. Consequently, the 60-day notice must instruct the individual to inform the State agency if either of these circumstances applies to the claim in question.

Finally, the 60-day notice must inform individuals that they may need to contact the IRS in order to protect the refund of spouses who are not liable for the claim.

e. State Agency Action on Appeals From 60-day Notices

As another condition of referring debts for offset from tax refunds, the DEFRA requires that any evidence presented by debtors making a timely appeal must be considered, and a determination made whether the debt is past-due and legally enforceable. The IRS requires that the debtor be notified of the determination. This Notice requires that when, as discussed in the preceeding section of this preamble, a State agency reviews such documents or evidence, and determines whether or not the claim is past-due or legally enforceable, the State agency will notify the individual of its decision in writing.

This Notice specifies the bases for establishing that a claim is not past-due or is not legally enforceable and requires that individuals document those reasons appropriately. One such basis is that the claim has been repaid or is not delinquent. For example, the individual could have a canceled check showing that the State agency records are in error. A second reason is that the individual is not liable for the claim. For example, the State agency contacted the wrong individual due to a name or social security number error. A third reason is that the individual has filed bankruptcy and the stay under 11 U.S.C. 362 is in effect, or the debt has been discharged in bankruptcy. Finally, this Notice allows for individuals to document any other legitimate reason that the claim is not past-due or legally enforceable. In this regard, State agencies should be alert for situations where an error in establishing a claim, such as a misaddressed claim demand letter, may mean that the claim is not past-due or is not legally enforceable.

If the State agency decides the claim meets the requirements for offset, the notice of that decision must inform the individual that the State agency intends to refer the claim for offset. It must also inform the individual that he or she is entitled to appeal that decision to FNS but that, as discussed in the next section of this preamble, FNS will not review such a decision if FNS receives the request to do so later than 30 days after the date of the State agency's notice to the individual. The notice of the State agency decision must also contain the address of the FNS regional office, including a line reading "Tax Offset Review." In addition, so that FNS can obtain the correct records from the State agency, the notice of the State agency decision must ask the individual to include his or her Social Security Number with the appeal to FNS.

If the State agency decides that the claim cannot be referred for offset, in addition to notifying the individual of that decision, the State agency must take any appropriate corrective action under food stamp claim rules.

To help assure understanding about how the 60-day notice and appeal procedures relate to the rules specifying which claims can be referred for offset, this Notice specifies certain instances where claims that have been appealed in response to 60-day notices cannot be referred for offset. These are: claims which, by the time of final certification of the file, the State agency has determined are not past-due or are not legally enforceable; claims which the State agency has not reviewed in time to provide the individual 30 days to appeal to FNS; and as discussed in section (f) below, claims appealed to FNS which FNS has determined are not past due and legally enforceable or for which FNS has not completed its review. In the latter instances, FNS shall notify the State agency of its determination.

f. FNS Action on Appeals of State Agency Reviews

This notice provides that FNS will not review State agency decisions on appeals from 60-day notices when it receives such appeals later than 30 days after the date of the State agency decision on the original appeal. This 30-day timeframe is based on the undesignated paragraph following subparagraph (b)(8) in the IRS rules at 301.6402–6T. That paragraph states that debts appealed to entities other than the Federal agency cannot be referred for offset unless the debtor has had 30 days to appeal to the Federal agency directly.

This Notice also states that, when FNS receives timely requests to review State agency decisions, FNS (regional offices) will take one of two actions prior to the date that State agencies are required to certify files to FNS as discussed in paragraph (g) of this preamble. If time permits, FNS will complete the requested review and notify the State agency and individual of its determination. The second, alternative action is to notify the State agency that FNS has not completed its review and that the State agency must delete the claim from its final files certified to FNS for referral for offset.

This Notice sets forth the several components of FNS reviews of State agency appeal determinations. These components are: (1) To request documentation from the State agency about the appeal; (2) to determine the correctness of the State agency decision; and (3) to notify the individual and State agency of its determination. After reviewing the matter, if FNS determines that the State agency was correct (the claim is past-due and legally enforceable), FNS will also notify the individual that any further appeals must be made through the courts. If FNS determines that the State agency was incorrect (the claim is not past-due or is not legally enforceable), FNS will request that the State agency take any appropriate corrective action.

g. Referral of Claims for Offset

As stated in paragraph (a) of this Notice, State agencies must comply with the operating guidelines which FNS provides. A substantial part of these guidelines incorporate the IRS Revenue Procedures for tax offset. FNS will supplement these guidelines with schedules and guidance specific to the Food Stamp Program. The operating guidelines will be updated annually for scheduling purposes, and to reflect changes in IRS or FNS policies and procedures. This Notice requires that State agencies follow the FNS guidelines in submitting claims for offset from tax refunds.

This Notice also requires that, by the date specified in the FNS guidelines, State agencies certify in writing to FNS that all claims referred to IRS comply with the requirements of paragraph (b) of this Notice. This Notice also specifies the statements that the certification letter must include to this effect. The certification letter is due to FNS in early December.

The IRS is especially concerned that names, telephone numbers and addresses of the State agency contacts which the IRS will include with its notices of actual offsets be kept current. Instructions for State agencies about providing this information are included in the IRS Revenue Procedures for the offset program. To emphasize the importance of this requirement, this Notice includes a reference to the IRS requirement and the need for State agencies to carefully comply with it.

h. State Agency Actions on Offsets Made

Promptly after receiving notice from the IRS, State agencies must notify individuals about offsets made and the resulting status of the claim. The Department is requiring this so that individuals know the status of the claim against them. State agencies must also promptly refund any erroneous offsets made. Such refunds should be made closely in time with the notice of offset.

i. Monitoring Offset Activities

This Notice requires that State agencies monitor offset activities in order to accomplish the various requirements of the tax offset program. We are especially concerned that State agencies reduce the amounts of claims and delete them from IRS files to reflect voluntary payments, collections through offset and other events so that any further collection action will reflect the current status of the claim.

General Notice

Recipient Claims Collection: Test of Offsetting Federal Income Tax Refunds

a. General

(1) State agencies which administer the Food Stamp Program are required by 7 CFR 273.18 to establish and collect claims against recipients who receive more benefits than they are entitled to receive. The Department of Agriculture intends to test the offset of Federal income tax refunds as a means of collecting recipient claims. The purpose of the test is to determine if the offset procedure increases such collections and if it is cost effective. This test will initially be conducted in the States of Alabama and California, and may be expanded to other State agencies and extended for subsequent years. If other test States are added in future years, an appropriate Notice will be published to reflect the change. State agencies participating in the test shall cooperate with all evaluations and other reviews of the offset program to be conducted by the Food and Nutrition Service (FNS) or by the Internal Revenue Service (IRS).

(2) The test is being conducted under authority of the following statutes and regulations:

(i) Section 13 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2022), which gives the Secretary the authority to establish and collect claims against recipients for overissued benefits, and to delegate such authority to State agencies;

(ii) Section 17(b)(1) of the Food Stamp Act of 1977, as amended (7 U.S.C. 2026(b)(1)), which, among other things, provides the Secretary authority to test program changes that might increase the efficiency of the Food Stamp Program;

(iii) Food Stamp Program regulations at 7 CFR part 273 and part 282, which implement those two sections of the Food Stamp Act;

(iv) Section 2653 of Public Law 98–369, the Deficit Reduction Act of 1984 (DEFRA) (31 U.S.C. 3720A), which provides authority for offsets from Federal income tax refunds for pastdue, legally enforceable debts owed the Federal government;

(v) Section 701(a) of Public Law 100–485, the Family Support Act of 1988, which extends that authority through January 10, 1994; and

(vi) IRS rules at 26 CFR 301.6402–6T, which implement these last two cited statutes.

(3) State agencies participating in the offset shall comply with the requirements of this Notice, pertinent parts of Food Stamp Program regulations at 7 CFR 273.18, and with other operational guidelines which the Department and the IRS issue relating to the offset, including annual updates of those guidelines reflecting changes in such items as schedules and procedures. Participating State agencies shall develop any other procedural guidelines and forms necessary to meet the needs of their particular offset operations and update those procedures to reflect changes in the operational guidelines.

(4) In order to participate in the tax refund program, State agencies shall submit an annual written statement to FNS. It shall include a statement that the State agency will comply with the requirements of this Federal Register Notice and with other operational guidelines which the Department and the IRS may issue, and will attend training sessions which FNS may require.

b. Claims Referable for Offset

All claims submitted for offset shall be past-due, legally enforceable claims which are:

(1) Properly established inadvertent household error (IHE) claims or intentional Program violation (IPV) claims that meet the requirements of 7 CFR 273.18 and 273.16 for establishment and notice of claims against persons who receive more benefits than they are entitled to receive;

(2) For amounts of $25 or more;

(3) Delinquent no more than nine years and 11 months, and no less than three months as of the date the State agency certifies to FNS the final file of claims for offset. An exception is that claims reduced to final court judgments are not subject to the nine year and 11 month limitation. A claim shall not be considered delinquent:

(i) If the State agency is responding to a request for a fair hearing on a claim that was made within 90 days following

the initial demand letter as provided in 7 CFR 273.15(g);

(ii) If the time allowed for responding to the initial demand letter provided in 7 CFR 273.18(d)(4)(ii) has not yet elapsed; or

(iii) If the household is making payments pursuant to an agreed upon schedule of payments as provided in 7 CFR 273.18(g);

(4) Submitted for only one individual, or in cases where more than one individual is jointly and severally liable for the claim pursuant to 7 CFR 273.18 (a) and (f) of the Food Stamp Program regulations, the full amount of the claim may be apportioned between two or more individuals who are liable for the claim, as long as the sum of the amounts submitted for all individuals does not exceed the total amount of the claim;

(5) Not limited by any bankruptcy proceeding. That is, either:

(i) State agency records do not indicate or otherwise contain evidence that the individual owing the claim (or his or her spouse) has filed for bankruptcy under Title 11 of the United States Code; or

(ii) In cases where State records reflect that a bankruptcy has been filed by the individual (or spouse), the State agency can clearly establish at the time of referral, and certifies at that time, that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the individual owing the claim or his or her spouse, and that the debt was not discharged by the bankruptcy proceeding; and

(6) For which the State agency has complied with all of the notification and appeal rights specified in paragraphs (c), (e) and (f) of this Notice.

c. 60-Day Notice to Individuals

(1) The State agency shall provide individuals with a pre-offset notice, called a 60-day notice, which shall inform them that the State agency intends to refer a claim for overissued benefits for offset from their Federal income tax refund. That notice shall contain the information specified in paragraph (d) of this Notice, including the individual's right to present evidence that all or part of the claim is not past-due or is not legally enforceable.

(2) The State agency shall use the FNS model letter or obtain FNS approval for modifying the contents and format of its 60-day notice prior to using that notice.

(3) The State agency shall mail 60-day notices to individuals no later than the date specified in the operational guidelines issued by FNS for the particular offset year.

(4) The State agency shall mail the 60-day notice using address information provided by IRS. If the State agency has reason to believe it has better address information than that provided by IRS, it may send the 60-day notice to both addresses.

d. Contents of the 60-day notice

The State agency's 60-day notice shall include the following information:

(1) The State agency has records documenting that the individual, identified with his or her social security number, is liable for a specified, unpaid balance of a claim for overissued food stamp benefits, and that the State agency has notified the individual about the claim and made prior collection efforts as required by the Food Stamp Program. The notice must also state that the claim is past due and legally enforceable;

(2) The Deficit Reduction Act of 1984, as amended by the Family Support Act of 1988, authorizes the Internal Revenue Service to deduct such debts from tax refunds, and the State agency intends to refer the claim for such deduction unless the individual pays the claim within 60 days of the date of the notice, or makes other repayment arrangements acceptable to the State agency;

(3) Instructions about how to pay the claim, including the name, address and telephone number of a person in the State agency who can discuss the claim and the intended offset with the individual;

(4) The following information about appealing the intended offset:

(i) The individual is entitled to appeal the intended referral for offset;

(ii) The State agency will not review appeals which it receives later than 60 days after the date of the 60-day notice;

(iii) Claims that have been appealed will not be referred for offset while under appeal;

(iv) An appeal must provide evidence or documentation why the individual believes that the claim is not past due or is not legally enforceable;

(v) An appeal is not considererd received until the State agency receives such evidence or documentation; and

(vi) An appeal must contain the individual's Social Security Number.

(5) The individual should contact the State agency if he or she believes that a bankruptcy proceeding prevents collection of the claim or if the claim has been discharged in bankruptcy; and

(6) In some circumstances married individuals may want to contact the Internal Revenue Service before filing their Federal income tax return. This is true where:

(i) The individual is filing a joint return; and

(ii) His or her spouse is not liable for the food stamp claim and has income and withholding and/or estimated Federal income tax payments.

In such circumstances the spouse may be entitled to receive his or her portion of any joint refund. Individuals who want information about how to protect the share of any refund which may be payable to the spouse who is not liable for the food stamp claim should contact a local office of the Internal Revenue Service.

e. State Agency Action on Appeals from 60-Day Notices

(1) When the State agency reviews documents or other evidence provided with an appeal under (d)(4) of this Notice and determines whether the claim is past-due and legally enforceable, the State agency shall notify the individual in writing of the result of such determination.

(2) The State agency shall determine that the claim is past-due and legally enforceable unless the individual documents that:

(i) The claim is not past-due or is not legally enforceable because it was already paid, and the individual provides proof of payment, such as a cancelled check for the claim;

(ii) The individual is not liable for the claim because, for example, the individual in receipt of the notice is not the individual named in the notice or not claim has been established;

(iii) A bankruptcy action prohibits collection of the claim because the individual (or his or her spouse) has filed for bankruptcy under Title 11 of the United States Code; and

(A) The automatic stay under section 362 of the Bankruptcy Code is in effect with respect to the individual (or his or her spouse); or

(B) The claim was discharged by the bankruptcy proceeding; or

(iv) There is some other reason that the claim is not past-due or is not legally enforceable.

(3) If the State agency decides that the claim is past-due and legally enforceable, together with its notice to the individual of that determination it shall notify the individual that:

(i) It intends to refer the claim for offset;

(ii) The individual is entitled to have FNS review the State agency's decision but, as stated in paragraph (f)(1) of this Notice, FNS will not review such a decision if FNS receives a request to do so later than 30 days after the date of

the State agency's notice to the individual; and

(iii) A request for an FNS review must include the individual's Social Security Number and must be sent to the appropriate FNS regional office. The notice shall provide the address of that regional office, including in that address the phrase "Tax Offset Review."

(4) If the State agency determines that the claim is not past due or is not legally enforceable, in addition to notifying the individual that the claim will not be referred for offset, the State agency shall take any actions required by food stamp regulations with respect to establishing claims and/or holding appropriate hearings, or providing the opportunity to waive hearings, or other actions as may be required.

(5) The State agency shall not refer for offset any claim which has been appealed if:

(i) The State agency determines the claim is not past-due or is not legally enforceable;

(ii) The State agency does not complete its review and notify the individual of the results of that review at least 30 days prior to the deadline for the State agency to certify its file of claims for offset to FNS under paragraph (g); or

(iii) As specified in paragraph (f) of this Notice, FNS notifies the State agency that it has determined that a claim appealed to FNS is not past due or legally enforceable, or FNS notifies the State agency that FNS has not completed its review of such a claim.

f. FNS Action on Appeals of State Agency Reviews

(1) FNS will not review State agency decisions on appeals of 60-day letters when FNS receives such requests later than 30 days after the date of the State agency decisions.

(2) When it receives appeals within 30 days of the date of such State agency decisions, FNS shall, prior to the date the State agency is required to certify to FNS the final files of claims for referral to the IRS:

(i) Complete a review as specified in section (3) this paragraph; or

(ii) Notify the State agency that it has not completed its review and that the State agency must delete the claims in question from files to be certified to FNS according to paragraph (g) of this Notice.

(3) When FNS reviews an individual's appeal of a State agency decision, FNS will:

(i) Request pertinent documentation from State agencies about the appeal to the State agency;

(ii) Decide whether the State agency correctly determined the claim in question is past-due or legally enforceable; and

(iii) Notify the State agency and individual of its decision.

(A) If FNS finds that the State agency correctly determined that the claim is past-due and legally enforceable, FNS will also notify the individual that any further appeal must be made through the courts.

(B) If FNS finds that the State agency incorrectly determined that the claim is past-due and legally enforceable, FNS will also notify the State agency about any corrective action it must take with respect to claims and related procedures; or

g. Referral of Claims for Offset

(1) In submitting claims for offset, State agencies shall follow the operational guidelines provided and supplemented by FNS, including schedules for submission of data and certifications as are required in order for FNS to meet IRS schedules and requirements for data submissions.

(2) No later than the date specified by FNS in its operational guidelines for the tax refund offsets, State agencies shall submit a letter to their FNS regional office which specifically certifies that all claims contained in the final automated data files submitted to FNS for referral to the IRS comply with paragraph (b) of this Notice and that individuals against whom claims have been submitted have been afforded notice and opportunity to appeal, as provided in paragraphs (c), (d), (e) and (f) of this Notice.

(3) The State agency shall provide the name, address and telephone number of State agency contacts to be included in IRS notices of offset as required in the operational guidelines, and shall update the information about particular contacts if and when that information changes.

h. State Agency Actions on Offsets Made

(1) Promptly after receiving notice from the IRS that offsets have been made, the State agency shall notify affected individuals of offsets made and the status of the claims in question.

(2) As close in time as possible to the notice of offset, the State agency shall refund to the individual any overcollection which resulted from the offset of the individual's tax refund.

i. Monitoring Offset Activities

State agencies shall monitor offset activities in order to comply with the requirements of this Notice and the operating guidelines for the tax offset program, especially the requirements for updating IRS files by reducing the amounts of and deleting claims, and the requirement for promptly refunding any overcollections of claims.

Dated: August 14, 1991.

Betty Jo Nelsen,

Administrator.

[FR Doc. 91-19795 Filed 8-19-91; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.

Title: Report of Commodities Returned After Temporary Export to Communist Bloc Countries.

Form Number: Agency—EAR 772.8(c)(2); OMB Control No. 0694-0030.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 100 respondents; 52 reporting/recordkeeping hours. Average hours per respondent is 30 minutes for reporting and 1 minute recordkeeping.

Needs and Uses: The purpose of this reporting requirement is to notify BXA of the return to the U.S. of commodities controlled for export that were temporarily exported to Communist Bloc countries.

Affected Public: Businesses or other for-profit institutions; small business or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208 New Executive Office Building, Washington, DC 20503.

Dated August 14, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-19867 Filed 8-19-91; 8:45 am]

BILLING CODE 3510-CW-My

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.

Title: Request for Special Priorities Assistance.

Form Number: Agency—DPAS Section 700.50(c); OMB Control No. 0694-0057.

Type of request: Extension of the expiration date of a currently approved collection.

Burden: 1,800 respondents; 900 reporting hours; Average time per respondent is 30 minutes.

Needs and Uses: Defense contractors may request Special Priorities Assistance (SPA) when placing defense rated orders with suppliers to obtain timely delivery of products or materials from suppliers, or for any other reason under the Defense Priorities and Allocations System (DPAS), in support of authorized national defense and energy programs. Form BXA-999 is the method by which information concerning DPAS problems can be communicated in writing by the contractors to the appropriate defense agency and BXA officials for assistance and resolution. The information is used by the Department of Defense and its associated agencies, the Department of Energy and BXA to provide SPA.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman; 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Dated: August 15, 1991.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 91-19870 Filed 8-19-91; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Materials Technical Advisory Committee; Partially Closed Meeting

A meeting of the Materials Technical Advisory Committee will be held September 12, 1991, 10:30 a.m., Herbert C. Hoover Building, room 1617-F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to materials or technology.

Agenda

General Session

1. Opening Remarks by the Chairman & Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Report form Members on the Assignments to Review Core List Category 1 (Advanced Materials).

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. Hoover, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue, NW., room 4069A, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 12, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: August 14, 1991.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 91-19904 Filed 8-19-91; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

Business Development Center Applications: Arizona IBDC

AGENCY: Minority Business Development Agency; Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its American Indian Program to operate an Indian Business Development Center (IBDC) for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $193,000 in Federal funds. The period of performance will be from January 1, 1992 to December 31, 1992. The IBDC will operate in the Arizona Geographic Service Area.

The award number of this IBDC will be 09-10-92002-01.

The funding instrument for the IBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian Tribes and educational institutions.

The American Indian program is designed to provide business development services to the American Indian business community for the establishment and operation of viable American Indian businesses. To this

end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of American Indian individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding American Indian business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of American Indian businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points; and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing of MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the American Indian program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The director will consider past performance of the applicant on previous Federal awards.

IBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. IBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an IBDC be funded for more than 4 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an IBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129, "Managing Federal Credit Programs," applications who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the IBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are unsatisfactory performance of IBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate of inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). the statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF-LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using Legislative Branches of the Federal Government is connection with a specific contract, grant or loan.

CLOSING DATE: The closing date for submitting an application is September 25, 1991. Applications must be postmarked on or before September 25, 1991.

Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission is: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 410 West Peachtree Street NW., suite 1930, Atlanta, Georgia 30308–3516; 404/730–3300.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280; San Francisco, California 94105. September 4, 1991 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.801 American Indian Program
(Catalog of Federal Domestic Assistance)

Dated: August 14, 1991.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 91–19851 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–21–M

Business Development Center Applications: California IBDC

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its American Indian Program to operate an Indian Business Development Center (IBDC) for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $303,000 in Federal funds. The period of performance will be from January 1, 1992 to December 31, 1992. The IBDC will operate in the California Geographic Service Area.

The award number for this IBDC will be 09–10–92003–01.

The funding instrument for the IBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The American Indian program is designed to provide business development services to the American Indian business community for the establishment and operation of viable American Indian businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of American Indian individuals and firms;

offer a full range of management and technical assistance; and serve as a conduct of informaton and assistance regarding American Indian business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general, and, specifically, the special needs of American Indian businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the American Indian program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

IBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. IBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an IBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an IBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Department Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the IBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are unsatisfactory performance of IBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

CLOSING DATE: The closing date for submitting an application is September 25, 1991. Applications must be postmarked on or before September 25, 1991.

Proposals must be reviewed by the Atlanta Regional Office. The mailing address for submission is: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 401 West Peachtree Street NW., suite 1930, Atlanta, Georgia 30308–3516, 404/730–3300.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105. September 4, 1991 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.801 American Indian Program
(Catalog of Federal Domestic Assistance)

Dated: August 14, 1991.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 91–19852 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Shelley L. Brandau (P482)

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Ms. Shelley Lynn Brandau, Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee, Wisconsin 53226.
2. *Type of Permit:* Public display.
3. *Name and Number of Marine Mammals:* California sea lion (*Zalophus californianus*)—4.
4. *Type of Take:* Captive-born.
5. *Location of Activity:* Licensed marine mammal facilities.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Silver Spring, Maryland, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Highway, room 7324, Silver Spring, Maryland 20910 (301/427–2289);

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/893–3141);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731; and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: August 13, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–19797 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Application for Permit: John G. Shedd Aquarium (P396D)

Notice is hereby given that the Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. Applicant: John G. Shedd Aquarium, 1200 South Lake Shore Drive, Chicago, Illinois 60605.

2. Type of Permit: Public display.

3. Name and Number of Marine Mammals: Beluga whales (*Delphinapterus leucas*), 4.

4. Requested Activity: Import of animals taken from tidal waters or estuarine waters of the western Hudson Bay in the vicinity of Churchill, Manitoba, Canada.

5. Period of Activity: 4 years.

The arrangement and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved. Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Silver Spring, Maryland, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Highway, room 7324, Silver Spring, Maryland 20910 (301/427–2289); and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200).

Dated: August 13, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91–19796 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of a New Export Visa Arrangement for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Panama

August 14, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing export visa requirements.

EFFECTIVE DATE: September 1, 1991.

FOR FURTHER INFORMATION CONTACT: J. Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and Panama reached agreement, effected by exchange of notes dated April 8, 1991 and April 22, 1991, to establish an export visa arrangement for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Panama and exported from Panama on and after September 1, 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990).

Interested persons are advised to take all necessary steps to ensure that textile products that are entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 14, 1991.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Export Visa Arrangement, effected by exchange of notes dated April 8, 1991 and April 22, 1991, between the Governments of the United States and Panama; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 1, 1991, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200–239, 300–369, 400–469, 600–670 and 800–899, including merged and part categories, produced or manufactured in Panama and exported from Panama on and after September 1, 1991, for which the Government of Panama has not issued an appropriate export visa fully described below. Should additional categories, merged categories or part categories be added to the visa arrangement, the entire category(s) or part category(s) shall be included in the coverage of this arrangement on an agreed effective date.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original commercial invoice. The original visa shall not be stamped on duplicate copies of the invoice. The original invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO)(the code for Panama is "PA"), and a six digit numerical serial number identifying the shipment; e.g., 1PA123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The signature of the issuing official.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation (e.g., "Cat. 340–510 DOZ").

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 347/348 may be visaed as 347/348 or if the shipment consists solely of 347 merchandise, the shipment may be visaed as "Cat. 347," but not as "Cat. 348").

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

If the visa is not acceptable then a new visa must be obtained from the Government of Panama (including the Embassy of Panama in Washington, DC), or a visa waiver may be issued by the U.S. Department of Commerce at the request of the Embassy of Panama in Washington, DC, and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

If import quotas are in force, U.S. Customs Service shall charge only the actual quantity in the shipment to the correct category limit. If a shipment from Panama has been allowed entry into the commerce of the United States with either an incorrect visa or no visa, and redelivery is requested but cannot be made, U.S. Customs shall charge the shipment to the correct category limit whether or not a replacement visa or visa waiver is provided.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.$250 or less, do not require a visa for entry.

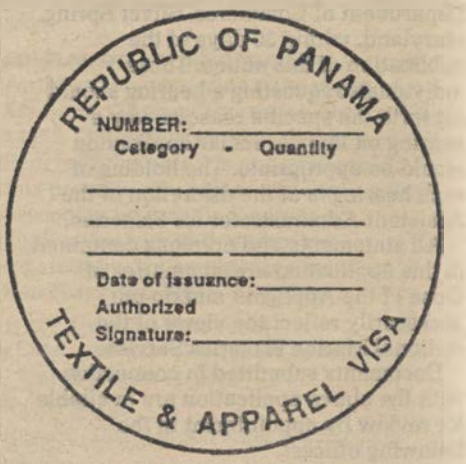
A facsimile of the visa stamp is enclosed with this letter.

The actions taken concerning the Government of Panama with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.



[FR Doc.91–19869 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–DR–F

Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States: Changes to the 1991 Correlation

August 14, 1991.

AGENCY: Committee for the Impleentation of Textile Agreements.

ACTION: Changes to the 1991 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202)377–3400.

The Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (1991) presents the Harmonized Tariff Schedule numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program. The 1991 Correlation should be amended as follows to reflect administrative changes, which were effective on July 1, 1991, included in the first supplement to the 1991 Harmonized Tariff Schedule, as

a result of Presidential Proclamation 6282:

Category	Changes to the 1991 Correlation
335	Delete 6204.39.4010. Add 6204.39.8010.
336	Delete 6204.49.0010. Add 6204.49.5010.
435	Delete 6204.39.4020. Add 6204.39.8020.
436	Delete 6204.49.0020. Add 6204.49.5020.
635	Delete 6204.39.4030. Add 6204.39.8030.
636	Delete 6204.49.0030. Add 6204.49.5030.
835	Delete 6204.39.4050. Add 6204.39.8050. Delete 6204.39.4060. Add 6204.39.8060.
836	Delete 6204.49.0050. Add 6204.49.5050. Delete 6204.49.0060. Add 6204.49.5060.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–19868 Filed 8–19–91; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number:

Home Health Care Demonstration, Inpatient Costs vs. Home Health Care Costs; DD Form 2534; OMB Control Number 0704–0265

Type of Request: Revision.

Average Burden Hours/Minutes Per Response: 30 minutes.

Responses Per Respondent: Two.

Number of Respondents: 2,000.

Annual Burden Hours: 2,000.

Annual Responses: 4,000.

Needs and Uses: Congress mandated (FY 1988 DoD Appropriations Act, sec. 8071), that CHAMPUS continue the Home Health Care (HHC) Demonstration. The purpose of the demonstration is to provide beneficiaries with an alternative to hospitalization and to identify the most cost effective means for health care coverage to be provided by the government. The collection instrument requests specific data on inpatient costs versus home health care costs. This data is used by Home Health Care Managers in determining which is more cost-effective. The 1988 DoD Appropriations Act also authorized an expansion of the Home Health Care Demonstration that permits OCHAMPUS to broaden the criteria for accepting patients and to include all CHAMPUS and CHAMPVA beneficiaries—military retirees and their family members as well as active duty family members. The Expanded Home Health Care—Case Management Demonstration represents that expansion. Data collected under the Home Health Care—Case Management Demonstration will assist in developing a coordinated plan of care that meets patients' needs at less cost to the government.

Affected Public: Individuals or households, businesses or other for-profit.

Frequency: Semiannually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Joseph F. Lackey.

Written comments and recommendations on the proposed information collection should be sent to Mr. Lackey at the Office of Management and Budget, Desk Officer for DoD, room 3002, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: August 14, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–19883 Filed 8–19–91; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Information School Board of Visitors; Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: A meeting will be held to review administration and content of the Defense Information School's public affairs programs of instruction. The meeting is open to the public and will be conducted in room 270A, Building # 400, the Defense Information School, Ft. Benjamin Harrison, IN 46216–6200.

DATES: September 12, 1991—8 a.m. to 4 p.m. and September 13, 1991—8 a.m. to 2 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn R. Pearson, Management Analyst, American Forces Information Services, 601 North Fairfax, suite 312, Alexandria, Virginia 22314–2007.

Dated: August 14, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–19882 Filed 8–19–91; 8:45 am]

BILLING CODE 3810–01–M

The Joint Staff; Joint Strategic Target Planning Staff Scientific Advisory Group: Closed Meeting

AGENCY: Joint Strategic Target Planning Staff, Department of Defense.

ACTION: Notice of closed meeting.

SUMMARY: The Director of Strategic Target Planning has scheduled a closed meeting of the Scientific Advisory Group.

DATES: The meeting will be held on 10–11 October 1991.

ADDRESSES: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: The Joint Strategic Target Planning Staff, Scientific Advisory Group, Offutt AFB Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues which relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. App II Para 10(d) (1976), as amended.

Dated: August 14, 1991.

Linda M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–19881 Filed 8–19–91; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board

AGENCY: National Assessment Governing Board, Education.

ACTION: Recommendations for Candidates To Fill Board Vacancy.

SUMMARY: The National Assessment Governing Board is seeking recommendations for candidates to fill a vacancy in the Board's membership. The Nominations Committee of the National Assessment Governing Board is accepting nominations for an individual representing the category of curriculum specialist. Anyone wishing to nominate a candidate or candidates should submit a letter outlining the nominees' qualifications, along with a current resume. The nomination period begins with the publication of this notice and closes September 25, 1991. Nominations should be mailed to Mr. Thomas Topuzes, National Assessment Governing Board, 1100 L Street, NW., suite 7322, Washington, DC 20005–4013, Attention: Daniel B. Taylor. Telephone inquiries should be made to (202) 357–6938.

BACKGROUND INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by the section 3403 of the National Assessment of educational Progress Improvement Act (NAEP Improvement Act), title III–C of the Augustus F. Hawkins—Robert T. Stafford elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), (20 U.S.C. 1221e–1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. It is responsible for developing specifications for test design and methodology, developing guidelines and standards for analysis plans, and reporting and disseminating results. The Board also has responsibility for selecting subject areas to be assessed, identifying achievement goals for each age and grade tested, and establishing standards and procedures for interstate, regional, and national comparisons.

Dated: August 13, 1991.

Diane Ravitch,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 91–19794 Filed 8–19–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Financial Assistance: Lehigh University

AGENCY: U.S. Department of Energy.

ACTION: Intent to negotiate a cooperative agreement entitled "Molten Metal Analysis by Laser Produced Plasmas."

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2) it plans to award a cooperative agreement to Lehigh University. This new agreement is the result of an unsolicited proposal submitted by Lehigh University under the Metals Initiative. The agreement will provide for continued development of a new industrial process control sensor and will be conducted in two phases over a thirty-six month period. The total estimated budget for the thirty-six months is $3.4 million. DOE will provide 70 percent of the funding and 30 percent will be industrially cost-shared. The authority and justification for the Determination of Noncompetitive Financial Assistance (DNCFA), is DOE Financial Assistance Rules 10 CFR 600.7(b)(2)(i), paragraph (D); the applicant has exclusive domestic capability to perform the activity successfully, based upon unique equipment, proprietary data, technical expertise, or other such unique qualifications.

CONTACT: U.S. Department of Energy, Idaho Operations Office, Attn: Susan L. Hensley, Contracts Management Division, 785 DOE Place, Idaho Falls, Idaho 83402–1129, (208) 526–8534.

PROCUREMENT REQUEST NUMBER: 07–91ID13103.000.

Dated: August 9, 1991.

Dolores J. Ferri,

Contracts Management Division.

[FR Doc. 91–19894 Filed 8–19–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ES91–46–000, et al.]

Electric Rate, Small Power Production, and Interlocking Directorate Filings; El Paso Electric Co., et al.

Take notice that the following filings have been made with the Commission:

1. El Paso Electric Co.

[Docket No. ES91–46–000]

August 12, 1991.

Take notice that on August 5, 1991, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking authority (1) to negotiate the private placement of and to issue up to $425 million principal amount of Fourth Mortgage Bonds or a combination of Fourth and Fifth Mortgage Bonds as collateral obligations to secure certain indebtedness and other obligations of the Company, the payment and/or performance of which are presently uncollateralized, (2) pledge as security for the Company's reimbursement obligation under a pollution control bond financing certain pollution control bonds which may be redeemed by means of a draw on a certain bank letter of credit supporting such bonds or establish a standby purchase option for such bonds exercisable in lieu of payment on such letter of credit, and (3) to negotiate and extend the maturity of certain of the Company's outstanding debt aggregating approximately $500 million principal amount.

Comment date: August 26, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. El Paso Electric Co.

[Docket No. ES91–45–000]

August 12, 1991.

Take notice that on August 5, 1991, El Paso Electric Company filed an application with the Federal Energy Regulatory Commission pursuant to section 204 of the Federal Power Act seeking to incur and issue up to $250 million aggregate principal amount outstanding of short-term debt obligations, none of which debt will be issued after December 31, 1993, involving (1) the renegotiation and extensions through December 31, 1993, of the Company's revolving credit facility, (2) the establishment of an accounts receivable facility and bridge financing facility, and (3) promissory notes, commercial paper and other obligations.

Comment date: August 26, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Entergy Service, Inc.

[Docket No. ER91–569–000]

August 13, 1991.

Take notice that Entergy Services, Inc., as agent for Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service Inc. (collectively, the Entergy Operating Companies) and Entergy Power, Inc., on August 2, 1991, tendered for filing Transmission Service Tariffs for each of the Entergy Operating Companies, a Rate Schedule SP (System Power) providing for joint account sales by the Entergy Operating Companies of reserve capacity at negotiated rates, and a Rate Schedule FP (Firm Power) providing for sales by Entergy Power, Inc. of firm or unit power at negotiated rates.

Comment date: August 26, 1991 in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure [18 CFR 385.211 and 385.214]. All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19840 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2720-000, et al.]

Panhandle Eastern Pipe Line Company, et al.; Natural Gas Certificate Filings

1. Panhandle Eastern Pipe Line Co.

[Docket No. CP91-2720-000, CP91-2721-000, CP91-2722-000, CP91-2723-000, CP91-2724-000, CP91-2725-000, CP91-2726-000]

August 12, 1991.

Take notice that on August 9, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-585-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Panhandle and is summarized in the attached appendix.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (Dated filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2720-000 (8-9-91)	Western Gas Marketing USA LTD. (Broker).	40,000 40,000 14,600,000	Various	OH	12-1-88,[1] PT, Interruptible.	ST91-9326-000, 6-1-91
CP91-2721-000 (8-9-91)	Marathon Oil Company, (Producer).	4,000 4,000 1,460,000	IL	MI	6-1-91, PT, Firm	ST91-9357-000, 6-1-91
CP91-2722-000 (8-9-91)	Southeastern Michigan Gas Company (LDC).	15,000 15,000 5,475,000	Various	MI	5-23-91, PT, Interruptible.	ST91-9360-000, 6-1-91
CP91-2723-000 (8-9-91)	Panhandle Trading Company (Marketer).	100,000 100,000 36,500,000	Various	MI	5-17-91,[2] PT, Interruptible.	ST91-9426-000, 6-6-91
CP91-2724-000 (8-9-91)	Panhandle Trading Company (Marketer).	50,000 50,000 18,250,000	Various	OK	5-17-91,[3] PT, Interruptible.	ST91-9349-000, 6-1-91
CP91-2725-000 (8-9-91)	Access Energy Corporation (Marketer).	20,000 20,000 7,300,000	Various	IL	7-28-88, PT, Interruptible.	ST91-9361-000, 6-1-91
CP91-2726-000 (8-9-91)	Western Gas Marketing USA LTD. (Broker).	100,000 100,000 36,500,000	Various	MI	12-1-88,[4] PT, Interruptible.	ST91-9331-000, 6-1-91

[1] Contract No. P-PLT-2562.
[2] Contract No. P-PLT-3711.
[3] Contract No. P-PLT-3712.
[4] Contract No. P-PLT-2553.

2. Texas Gas Transmission Corp.

[Docket No. CP91-2703-000]

August 13, 1991.

Take notice that on August 9, 1991, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP91-2703-000 a prior notice request pursuant to §§ 157.205 and 157.214 of the Commission's Regulations under the Natural Gas Act for authorization to increase the storage capacity of its Leesville gas storage field (Leesville field) in Lawrence County, Indiana, under the blanket certificate issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas requests authorization to increase the storage capacity of the Leesville Field from 3,774,100 Mcf to 4,775,000 Mcf and to increase the maximum storage pressure from 335 psig to 395 psig.

Texas Gas states that it is necessary to inject additional volumes of gas into the Leesville field to assist Texas Gas in its seasonal supply management. Texas Gas states that because of warmer than normal temperatures during the 1990-1991 winter, its customers purchased substantially less gas from Texas Gas during the winter months, resulting, in Texas Gas being unable to withdraw a sufficient volume from its storage fields

to provide the reservoir space necessary for planned summer injections. Texas Gas states that this oversupply situation has resulted in very low spot prices and continuing low demand for tariff gas exacerbating Texas Gas' seasonal supply management problems. Texas Gas states that the ability to inject additional volumes of gas into the Leesville field will assist Texas Gas in meeting its minimum purchase obligations through the remaining summer months and help enable Texas Gas to mitigate any such seasonal supply management difficulties.

Comment date: September 27, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. Conoco, Inc.

[Docket No. CI91-114-000]

August 13, 1991.

Take notice that Applicant has filed an application pursuant to section 7 of the Natural Gas Act for authorization to terminate a certificate as described herein, all as more fully described in the application which is on file with the Commission and open to public inspection.

Comment date: September 3, 1991, in accordance with Standard Paragraph J at the end of the notice.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI91-114-000 (CI78-38) D 8-7-91	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Western Gas Interstate Company, Antelope Ridge Field, Lea County, New Mexico.	Acreage assigned 5-1-91 to Citation Oil & Gas Corp.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession.

4. Colorado Interstate Gas Co.

[Docket No. CP91-2608-000]

August 13, 1991.

Take notice that on July 30, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP91-2608-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to partially abandon sales service performed by CIG for Public Service Company of Colorado (Public Service), Cheyenne Light, Fuel, and Power Company (Cheyenne) and Western Gas Supply Company (Western), collectively referred to as the customers, all as more fully set forth in the application which is one file with the Commission and open to public inspection.

CIG proposes to abandon a total of 6,974 MMcf of Annual General Service Entitlement (AGSE) to be made effective on October 1, 1991, for these three sales customers. CIG states that the proposed decrease in AGSE requested by each customer is 5,513 MMcf for Public Service, 461 MMcf for Cheyenne and 1,000 MMcf for Western. The customers have requested these new levels of service because the new levels would more accurately reflect the customers future annual gas supply needs from CIG, it is indicated.

Comment date: September 3, 1991, in accordance with Standard Paragraph F at the end of the notice.

5. Tennessee Gas Pipeline Co.

[Docket No. CP91-2696-000, CP91-2697-000]

August 13, 1991.

Take notice that Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: September 27, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2696-000 (8-8-91)	Narragansett Electric Company (End-user).	110,000 110,000 40,150,000	TX, OTX, LA, OLA, MS	LA, TX, MS, NJ, MA, CT ..	7-5-91, IT, Interruptible.	ST91-9796, 7-21-91.
CP91-2697-000 (8-8-91)	FMI Hydrocarbons Company (Producer).	100,000 100,000 36,500,000	LA, OLA.....	LA, TX, MS, AL, TN, WV..	4-16-91, IT, Interruptible.	ST91-9798, 7-15-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

6. Paiute Pipeline Co., El Paso Natural Gas Co.

[Docket Nos. CP91-2575-000, CP91-2576-000, CP91-2577-000, CP91-2578-000, CP91-2579-000]

August 13, 1991.

Take notice that Applicants filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificate pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 27, 1991, in accordance with Standard Paragraph G at the end of this notice.

Applicant: Paiute Pipeline Co., P.O. Box 94197, Las Vegas, NV 89193-4197.

Blanket Certificate Issued in Docket No.: CP87-309-000.

[3] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type shipper)	Peak day,[1] avg, annual	Points of		Start up date, rate schedule	Related [2] dockets
			Receipt	Delivery		
CP91-2575-000 (07-25-91)	Sierra Pacific Power Company (LDC).	83,000 48,767 17,800,000	ID-NV Border	NV	06-01-91, FT-1	ST91-9131-000.
CP91-2576-000 (07-25-91)	Southwest Gas Corp.—Northern NV (LDC).	61,651 25,591 8,610,801	ID-NV Border	NV	06-01-91, FT-1	ST91-9133-000.
CP91-2577-000 (07-25-91)	Southwest Gas Corp.—Northern CA (LDC).	10,316 2,368 864,461	ID-NV Border	NV	06-01-91, FT-1	ST91-9132-000.
CP91-2578-000 (07-25-91)	CP National Corp. (LDC)	15,300 17,564 6,410,946	ID—NV Border	NV	06-91-91, FT-1	ST91-9130-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it.

Applicant: El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978.

Blanket Certificate Issued in Docket No.: CP88-433-000.

Docket No. (dated filed)	Shipper name (type shipper)	Peak day,[1] avg, annual	Points of		Start up date, rate schedule	Related [2] dockets
			Receipt	Delivery		
CP91-2579-000 (07-25-91)	Conoco Inc. (Producer)	51,500 20,600 7,519,000	CO, NM, UT	NM	07-02-91, T-1	ST91-9615-000.

7. Iroquois Gas Transmission System, L.P.

[Docket No. CP91-2677-000]

August 13, 1991.

Take notice that on August 6, 1991, Iroquois Gas Transmission System, L.P. (Iroquois), One Corporate Drive, suite 606, Shelton, Connecticut 06484, file an application in Docket No. CP91-2677-000, pursuant to section 7(b) of the Natural Gas Act for permission and approval to partially abandon service to Boston Gas Company (Boston Gas) and Connecticut Natural Gas Corporation (CNG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Iroquois states that since December 1990, two of its shippers, Long Island Lighting Company (LILCO) and Colonial Gas Company (Colonial), have requested increases in their contracted transportation volumes. LILCO requests an increase from 40,000 Mcf per day to 65,000 Mcf per day and Colonial has requested an increase from 2,000 Mcf per day to 6,000 Mcf per day. In addition, Commonwealth Gas Company (Commonwealth), which is not currently an Iroquois shipper, has requested a total of 33,500 Mcf per day in new service requests.

As a result of these requests, Boston Gas and CNG have informed Iroquois that they desire to reduce their transportation contract volumes. Boston Gas requests a reduction of 8,500 Mcf per day (reflecting Boston Gas' reallocation of 4,000 Mcf per day to Colonial and 4,500 Mcf per day to Commonwealth) and CNG requests a reduction of 25,000 Mcf per day to LILCO). The amount of service reductions totals 33,500 Mcf per day. Thus, in order to make capacity available to LILCO, Colonial, and Commonwealth, Iroquois seeks authority to abandon service to Boston Gas and CNG to the extent described above. Iroquois asserts that it will utilize its blanket transportation certification to render increased service to LILCO and Colonial and new service to Commonwealth. Iroquois insists that since the proposed transactions are essentially volume reallocations within zones, these changes will not affect

Iroquois' certificated capacity or its initial rates.

Comment date: September 3, 1991, in accordance with Standard Paragraph F at the end of this notice.

8. Northwest Pipeline Corp.

[Docket No. CP91-2665-000]

August 13, 1991.

Take notice that on August 5, 1991, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158-0900, filed in Docket No. CPI-2665-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a gathering and exchange service provided for Sunterra Gas Gathering Company (Sunterra), all as more fully set forth in the application on file with the Commission and open to public inspection.

Northwest states that it is requesting approval to abandon the gathering and exchange service it provides for Sunterra under Northwest's Rate Schedule X-39. Northwest further states that by letter dated November 21, 1991, Northwest notified Sunterra that pursuant to the terms of the December 1, 1976 agreement, as amended, it was providing Sunterra 6 months written notice of its desire to terminate the agreement. It is stated that such agreement was terminated on May 21, 1991. It is further stated an imbalance of 109,228 MMBtu under the agreement, as of the termination date, was transferred to a replacement gathering agreement.

It is stated that no abandonment of facilities is requested.

Comment date: September 3, 1991, in accordance with Standard Paragraph F at the end of this notice.

9. Panhandle Eastern Pipe Line Co.

[Docket Nos. CP91-2753-000, CP91-2757-000]

August 13, 1991.

Take notice that on August 12, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-585-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Panhandle and is summarized in the attached appendix.

Comment date: September 27, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2753-000 (8-12-91)	Tri-Power Fuels, Inc. (Marketer).	25,000 25,000 9,125,000	KS, TX, OK, CO	KS	1-8-91, PT, Interruptible.	ST91-9329-000, 6-1-91
CP91-2757-000 (8-12-91)	Coastal Gas Marketing Company (Marketer).	100,000 30,000 10,950,000	Various	IN	2-8-91, PT, Interruptible.	ST91-9425-000, 6-4-91

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19835 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2640-000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP91-2640-000]

August 9, 1991.

Take notice that on August 1, 1991, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP91-2640-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for NICOR Supply, Inc. (NICOR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that by order issued September 9, 1975, in Docket No. CP73-245 (54 FPC 1049, 56 FPC 2387, 10 FERC ¶ 61,290), a certificate of public convenience and necessity was granted to Tennessee authorizing Tennessee to transport natural gas produced from Block 81 East Cameron Area Offshore Louisiana commencing at East Cameron Block 61 to various points of delivery for NI-Gas Supply, Inc. (NI-Gas), predecessor of NICOR.

Tennessee indicates that it filed a gas transportation contract with NI-Gas, dated October 27, 1972, providing for such transportation service by Tennessee. Tennessee further indicates that such contract has been designated as Rate Schedule T-46, Volume 2 (Original Sheet Nos. 252 through 270) of Tennessee's FERC Gas Tariff. Tennessee states that Article II of Rate Schedule T-46 provides that the contract shall become effective on the date of execution and remain in force until November 1, 1987, and from year to year thereafter until terminated by either party by 24 months advance written notices.

Tennessee states that by this application, it seeks authorization to abandon, effective as of June 1, 1991, the transportation service for NICOR. It is further stated that by letter dated April 4, 1991, and addressed to Tennessee, NICOR has given its written notice to terminate the gas transportation contract.

Comment date: August 30, 1991, in accordance with Standard Paragraph F at the end of this notice.

Trunkline Gas Company and Columbia Gulf Transmission Company

[Docket No. CP91-2674-000, CP91-2676-000]

August 9, 1991.

Take notice that on August 6, 1991, Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77251-1642, and Columbia Gulf Transmission Company, P.O. Box 683, Houston, Texas 77001, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP86-586-000, and Docket No. CP86-239-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identify of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: September 23, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day average day, annual MMBtu	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2674-000 (8-6-91)	Consolidated Fuel Supply, Inc. (marketer).	30,000 30,000 [2] 10,950,000	OLA, OTX, IL, LA, TN, TX.	IL	11-1-87, PT Interruptible.	ST91-9433-000 6-13-91
CP91-2676-000 (8-6-91)	Neste Trading, Inc.[3] (marketer).	300,000 240,000 87,600,000	OLA, LA	LA	9-1-90, ITS-2 Interruptible.	ST91-9545-000 6-27-91

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Trunkline's quantities are in Mcf.
[3] Agent of Neste Oy.

3. Williston Basin Interstate Pipeline Company

[Docket No. CP91-2651-000]

August 9, 1991.

Take notice that on August 2, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP91-2651-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a tap, metering station and appurtenant facilities for deliveries to Rosebud Syncoal Partnership (Rosebud), a new transportation customer located in Rosebud County, Montana, under Williston Basin's blanket authorization granted in Docket Nos. CP82-487-000, *et al.* and CP83-1-000 pursuant to section 7 of the NGA, all as more fully set forth in

the request which is on file with the Commission and open to public inspection.

Williston Basin proposes to construct and operate the facilities in order to serve Rosebud, which would use the gas for its coal drying facilities. It is stated that the installation of the proposed facilities would have no significant impact on Williston Basin's peak day or annual deliveries. The cost of installation is estimated at $35,131. It is asserted that Williston Basin would be providing interruptible transportation service for Rosebud, under seperate authorization, delivering up to 4,000 dt equivalent of natural gas on a peak day, under Williston Basin's Rate Schedule IT-1 of its FERC Gas Tariff, Original Volume No. 1-B.

Comment date: September 23, 1991, in accordance with Standard Paragraph G at the end of this notice.

4. Natural Gas Pipeline Company of America, et al.

[Docket Nos. CP91-2657-000,[2] CP91-2658-000, CP91-2660-000, CP91-2661-000]

August 9, 1991.

Take notice that on August 5, 1991, Applicants filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

[2] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: September 23, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of [2]		Start up date rate schedule	Related [3] dockets
				Receipt	Delivery		
CP91-2657-000 (8-5-91)	Natural Gas Pipeline Company of America, 701 East 22nd St., Lombard, IL 60148.	Enron Gas Marketing, Inc.	150,000 50,000 18,250,000	AR, CO, IL, IA, KS, LA, MO, NE, NM, OK, TX, OLA, OTX.	CO, IL, IA, LA, NE, NM, OK, TX, OLA, OTX.	6-1-91, ITS	CP86-582-000 ST91-9370-000
CP91-2658-000 (8-5-91)	Stingray Pipeline Company, 701 East 22nd St., Lombard, IL 60148.	Enron Gas Marketing, Inc.	50,000 25,000 9,125,000	LA, OLA, OTX	LA, OTX	6-1-91, ITS	RP98-70-000 ST91-9373-000
CP91-2660-000 (8-5-91)	Northern Natural Gas Company, P.O. Box 1188, Houston, TX 77251-1188.	Phillips 66 Natural Gas Company.	5,000 3,750 1,825,000	IA, KS, MN, NE, NM, OK, TX, WI.	TX, IA, LA, NE, NM	7-3-91, IT-1	CP86-435-000 ST91-9645-000
CP91-2661-000 (8-5-91)	Northern Natural Gas Company.	Panda Resources, Inc.	500,000 375,000 182,500,000	IA, KS, MN, NE, NM, OK, SD, TX, WI.	IA, KS, MI, MN, NE, OK, SD, TX, WI.	7-1-91, IT-1	CP86-435-000 ST91-9564-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] Offshore Louisiana and Offshore Texas are shown as OLA and OTX.
[3] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

5. Western Gas Interstate Company

[Docket Nos. CP91-2615-000, CP91-2621-000]

August 12, 1991.

Take notice that on July 29, 1991, Western Gas Interstate Company, (Western) 9130 Jollyville Road, suite 150, Austin, Texas 78759-7273, filed applications in Docket Nos. CP91-2615-000 and CP91-2621-000, pursuant to Section 3 of the Natural Gas Act and §§ 153.1 through 153.8 and 153.10 through 153.12 of the Commission's Regulations and Executive Order Nos. 10485 and 12038 and Secretary of Energy Delegation Order No. 0204-112. The applications seek authorization to operate and maintain facilities for the transportation of natural gas to Mexico and for a Presidential Permit, all as more fully set forth in the application on file with the Commission and open to public inspection.

Western, a wholly-owned subsidiary of Southern Union Company, seeks approval to operate, and maintain certain gas transmission facilities which connect to three separate export points located in the City of El Paso, Texas, described by Western as:

(1) Del Norte #1—Measuring Station near Ascarate Park
(2) Del Norte #2—Measuring Station near Delta Street; and
(3) Del Norte #3—Measuring Station near Stanton Street

Western says that these facilities were previously subject to a Presidential Permit issued by the Federal Power Commission in 1969 in Docket No. CP69-236. Western says that the facilities are essential in order to deliver the gas to the United States/Mexico border.

In Docket No. CP91-2615-000, Western requests issuance of a Presidential Permit approving the operation and maintenance of certain natural gas facilities at the international

border between the Untied States and Mexico. Western states that in reviewing the Presidential Permit issued in Docket No. CP69–236, the authorization granted thereunder was limited to its lease of the facilities to Del Norte. Consequently, by this application, Western seeks a new Presidential Permit authorizing it to operate and maintain the same facilities that were the subject of its Presidential Permit issued in Docket No. CP69–236 for the transactions set forth herein.

In Docket No. CP91–2621–000, Western seeks authorization to operate and maintain certain natural gas facilities at the international border between the United States and Mexico. Western states that such facilities will be used to transport up to 60,000 MMBtu per day of natural gas from the United States to Mexico. The natural gas to be exported will originate in the United States and be transported through its facilities on behalf of Libra Marketing Company (Libra).

Western states that the facilities are interconnected with El Paso Natural Gas Company, from which it will receive deliveries of gas, on behalf of Libra, for transportation and redelivery to facilities owned and operated by Gas Natural de Juarez S.A. and by Juarez Gas Co. S.A. de C.V. at the United States-Mexican border.

Western states that it has entered into an agreement with Libra providing for transportation of natural gas for delivery to facilities owned by Gas Natural de Juarez S.A. and by Juarez Gas Co. S.A. de C.V.. Western states that it would receive gas from El Paso Natural Gas Company on behalf of Libra for transportation and redelivery by it at the international border. Western states that its understanding is that the gas delivered by it will be purchased from Libra by P.M.I. Commercial International S.A. de C.V., a wholly owned subsidiary of PEMEX. Western states that it will not, at any time, in connection with this transaction, sell natural gas for export. Western states that it will be a transporter only.

Western states that the grant of the authorization sought hereby will provide economic benefit to those entities involved with the sale of the gas by Libra, and the grant of its request is in the public interest. Further, Western states that the operation and maintenance of the facilities to be used to render the service described herein will not impair, in any way, the rendering of service at reasonable rates to its other customers.

Western has requested that expedited action be taken on its application so that service can begin as soon as possible.

Comment date: September 3, 1991, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP91–2664–000]

August 12, 1991.

Take notice that on August 5, 1991, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP91–2664–000 a request pursuant to §§ 157.205, 157.211, and 157.216 of the Commission's Regulations for authorization to partially abandon certain existing Sprague Meter Station metering facilities and to construct and operate certain upgraded metering facilities at the Sprague Meter Station in Lincoln County, Washington, under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest explains that the proposed changes are needed in order to accommodate existing firm delivery obligations to The Washington Water Power Company (Water Power). Northwest states that the existing Sprague Meter Station has a design delivery capacity of approximately 1,330 therms per day at a delivery pressure of 150 psig, while Northwest's current authorized maximum daily delivery obligation for firm sales, transportation, and storage gas to Water Power at the Sprague Meter Station is 1,600 therms per day at a minimum delivery pressure of 150 psig.

Northwest proposes to upgrade the existing facilities at the Sprague Meter Station by replacing the obsolete two-inch positive displacement meter with a new two-inch rotary meter and by replacing the two existing one-inch regulators with two new two-inch regulators. Northwest states that the proposed upgrading would result in a maximum station design capacity of 1,670 therms per day at 150 psig, which would be sufficient to handle delivery requirements at the existing maximum daily delivery obligation level to Water Power.

It is stated that the total cost of the proposed upgrading would be approximately $13,200, which would include $800 for the cost of removing the replaced facilities. Northwest states that it would not require any reimbursement of these costs from Water Power since the upgrade is required to deliver up to the current maximum daily delivery obligation to Water Power.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

7. Texas Gas Transmission Corporation

[Docket No. CP91–2690–000, CP91–2691–000, CP91–2692–000]

August 12, 1991.

Take notice that Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88–686–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2690-000 (08-08-91)	Unocal Exploration Corporation (end user).	17,000 17,000 6,205,000	Various	Various	06-27-91, IT, Interruptible.	ST91-9625 (07-01-91)
CP91-2691-000 (08-08-91)	Niagara Mohawk Power Corporation (end user).	56,580 56,580 20,651,700	Various	Various	06-10-91, FT, Firm	ST91-9626 (07-01-91)
CP91-2692-000 (08-08-91)	Catex Energy, Inc. (end user).	50,000 10,000 18,250,000	Various	Various	03-04-91, IT, Interruptible.	ST91-9738 (07-16-91)

8. Williston Basin Interstate Pipeline Company

[Docket No. CP91-2698-000, CP91-2699-000]

August 12, 1991.

Take notice that Williston Basin Interstate Pipeline Company, suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP89-1118-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual dt	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2698-000 (8-8-91)	Western Gas Resources, Inc. (producer).	1,200 1,200 438,000	MT, WY, ND	WY	7-1-91, IT-1, Interruptible.	ST91-9866 7-1-91
CP91-2699-000 (8-8-91)	Union Oil Company of California (producer).	6,500 6,500 2,372,500	WY, ND	WY, ND	7-1-91, IT-1, Interruptible.	ST91-9865 7-1-91

9. El Paso Natural Gas Company, et al

[Docket Nos. CP91-2667-000, CP91-2669-000, CP91-2670-000, CP91-2671-000, CP91-2672-000]

August 12, 1991.

Take notice that Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached Appendix A. Applicants' addresses and transportation blanket certificates are shown in the attached Appendix B.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

[5] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2667-000 (8-5-91)	GasMark, Inc. (marketer).	25,750 3,090 1,127,850	CO, NM	NM	T-1, Interruptible	ST91-9537-000 7-2-91
CP91-2669-000 (8-6-91)	Bethlehem Steel Corporation (end-user).	4,000 4,000 1,460,000	LA, TX, IL, AR	IL, TX	FTS, Firm	ST91-9868-000 6-1-91
CP91-2670-000 (8-6-91)	Meridian Oil Trading, Inc. (marketer).	100,000 25,000 9,125,000	Various	Various	ITS, Interruptible	ST91-9369-000 6-1-91

Docket No. (date filed)	Shipper name (type)	Peak day average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2671-000 (8-6-91)	Northern California Power Agency (end-user).	41,000 15,000 5,475,000	AZ, CA	AZ, CA	T-1, Interruptible	ST91-9697-000 7-4-91
CP91-2672-000 (8-6-91)	Appalachian Gas Sales (marketer).	15,000 15,000 [2] 5,475,000	LA, TX, MS, NJ	PA, CT, WV, OH	IT, Interruptible	ST91-9467-000 6-12-91

[1] Offshore Lousiana and offshore Texas are shown as OLA and OTX.
[2] Tennessee's quantities are in dekatherms.

Applicant's address	Blanket docket
El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978.	CP88-433-000
Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148.	CP86-582-000
Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252.	CP87-115-000

10. United Gas Pipe Line Company and Tennessee Gas Pipeline Company

[Docket Nos. CP91-2660-000, CP91-2681-000, CP91-2682-000, CP91-2683-000, CP91-2684-000]

August 12, 1991.

Take notice that United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478, and Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP88-6-000 and Docket No. CP87-115-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[6]

[6] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2680-000 (8-7-91)	Desoto Pipeline Company, Inc. (intrastate).	5,150 5,150 1,879,750	TX, LA	TX	4-5-91, ITS, Interruptible.	ST91-9811 7-1-91
CP91-2681-000 (8-7-91)	Texaco Gas Marketing, Inc. (marketer).	103,000 103,000 37,595,000	OTX	OTX	5-24-90, ITS, Interruptible.	ST91-9809 7-4-91
CP91-2682-000 (8-7-91)	Sigco Marketing, Inc. (marketer).	9,810 9,810 3,580,650	OTX	OTX	3-18-91, ITS, Interruptible.	ST91-9812 7-1-91
CP91-2683-000 (8-7-91)	O & R Energy, Inc. (marketer).	5,150 5,150 1,879,750	LA, MS	LA, MS	4-12-91, ITS, Interruptible.	ST91-9608 7-12-91
CP91-2684-000 (8-7-91)	Polaris Pipeline Corporation (marketer).	[2] 100,000 100,000 36,500,000	Various	Various	7-21-88, IT, Interruptible.	ST91-9460 12-1-89

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Measured in dt equivalent.

11. Tennessee Gas Pipeline Company and Natural Gas Pipeline Company of America

[Docket Nos. CP91-2652-000, CP91-2653-000, CP91-2654-000, CP91-2655-000, CP91-2656-000]

August 12, 1991.

Take notice that on August 5, 1991, Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, and Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP87-115-000 and Docket No. CP86-582-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[7]

Information applicable to each transaction, including the identity of the shipper, the type of transaction service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions

[7] These prior notice requests are not consolidated.

under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: September 26, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2652-000 (8-5-91)	Catamount Natural Gas, Inc. (marketer).	20,000 20,000 7,300,000 [1]	Various	Various	9-29-87, IT, Interruptible.	ST91-9708-000 6-22-91
CP91-2653-000 (8-5-91)	Gasmark, Inc. (marketer).	25,000 15,000 5,475,000	Various	Various	6-25-90, ITS, Interruptible.	ST91-9405-000 6-4-91
CP91-2654-000 (8-5-91)	Nortech Energy Corp. (marketer).	75,000 30,000 10,950,000	Various	Various	4-16-91, ITS, Interruptible.	ST91-9371-000 6-1-91
CP91-2655-000 (8-5-91)	Amerada Hess Corp. (producer).	100,000 40,000 14,600,000	Various	Various	3-27-91, ITS, Interruptible.	ST91-9368-000 6-1-91
CP91-2656-000 (8-5-91)	Arco Natural Gas Marketing, Inc. (marketer).	300,000 60,000 21,900,000	Various	Various	11-27-90, ITS, Interruptible.	ST91-9510-000 6-1-91

[1] Tennessee's quantities are in dekatherms.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate in a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 FR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19836 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-91-000]

ANR Storage Co.; Proposed Changes in FERC Gas Tariff Annual Charges Adjustment Clause Provisions

August 14, 1991.

Take notice that ANR Storage Company ("ANR Storage") on August 9, 1991, tendered for filing Third Revised Sheet No. 1(a) to its FERC Gas Tariff, Original Volume No. 2.

Third Revised Sheet No. 1(a) reflects the new ACA rate to be charged per the Annual Charges Adjustment Clause provisions established by the Commission in Order No. 472, issued on May 29, 1987. The new ACA rate to be charged by ANR Storage is per FERC notice given on July 26, 1991 and is to be effective October 1, 1991.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on on before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19827 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-3-23-001 and TF91-4-23-001]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

August 14, 1991.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on August 7, 1991, as part of its FERC Gas Tariff, First Revised Volume No. 1, certain substitute revised tariff sheets listed on appendix A and B attached to the filing. ESNG states that such sheets are proposed to be effective August 1, 1991.

ESNG states that the substitute tariff sheets listed in appendix A are being filed to comply with the Commission's letter order dated July 30, 1991 in Docket No. TQ91–3–23–000. ESNG also states that the substitute tariff sheets in appendix B attached to the filing are being filed because they are necessitated by the compliance quarterly PGA filing and also for proper pagination with respect to the supercession of tariff sheets.

ESNG states that copies of the filing are being mailed to interested customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 204226, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19828 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2536–009 Wisconsin/Michigan]

Niagara of Wisconsin Paper Co.; Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

August 13, 1991.

The license for the Little Quinnesec Falls Hydro Project No. 2536, located on the Menominee River in Marinette County, Wisconsin and Dickinson County, Michigan, expires on June 30, 1993. The statutory deadline for filing an application for new license was June 30, 1991. An application for new license has been filed as follows:

Project No.	Applicant	Contact
P–2536–009	Niagara of Wisconsin Paper Corporation, 1101 Mill Street, Niagara, WI 54151.	William R. Roberts, Utilities Superintendent, Niagara of Wisconsin Paper Corporation, 1101 Mill Street, Niagara WI 54151.

The following is an approximate schedule and procedures that will be followed in processing the application:

Date	Action
August 10, 1991	Commission notifies applicant that its application has been accepted. The notification of acceptance will specify the need for additional information and the date information is due.
August 20, 1991	Commission issues public notice of the accepted application establishing dates for filing motions to intervene and protests.
October 30, 1991	Commission's deadline for applicant for filing a final amendment, if any, to its application.
December 15, 1991	Commission notifies all parties and agencies that the application is ready for environmental analysis.

Upon receipt of all additional information and the information filed in response to the public notice of the acceptance of the application, the Commission will evaluate the application in accordance with applicable statutory requirements and take appropriate action on the application.

Any questions concerning this notice should be directed to Charles T. Raabe at (202) 219–2811.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19837 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP91–208–001]

Ozark Gas Transmission System; Notice of Filing

August 14, 1991.

Take notice that on August 9, 1991, Ozark Gas Transmission System ("Ozark"), 1700 Pacific Avenue, Dallas, Texas 75201, filed with the Commission a supplement to the filing made in Docket No. RP91–208–000 on August 2, 1991. Ozark states that it is substituting the pro forma tariff sheets to become effective upon the Commission's acceptance for filing of those sheets. In addition, Ozark states that it is including a corrected version of Original Sheet Nos. 26 through 32.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protest should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19841 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–3–55–001]

Questar Pipeline Co. Rate Change

August 14, 1991.

Take notice that on August 12, 1991, Questar Pipeline Company tendered for filing and acceptance Substitute First Revised Thirteenth Revised Sheet No. 12 and First Revised First Revised Sheet No. 39 to Original Volume No. 1. of its FERC Gas Tariff to be effective September 1, 1991.

Questar states that Substitute First Revised Thirteenth Revised Sheet No. 12, revises the Statement of Rates that was filed on July 31, 1991, in Questar's Purchased Gas Adjustment filing by correcting the current gas cost adjustment.

Further, Questar has requested that First Revised First Revised Sheet No. 39, which reflects a revised Rate Schedule CD–1 Maximum Daily Quantity of 543,022 Dth/day for Mountain Fuel Supply Company, be made effective September 1, 1991.

Questar states that it has provided a copy of the filing to Mountain Fuel Supply Company and interested state public service commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19830 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–175–001]

Tennessee Gas Pipeline Co.; Compliance Filing

August 14, 1991.

Take notice that on July 31, 1991, Tennessee Gas Pipeline Company (Tennessee) submitted for filing the following revised tariff sheets, to Third Revised Volume No. 1 of its FERC Gas Tariff to be effective July 18, 1991:

Substitute First Revised Sheet No. 143
Substitute First Revised Sheet No. 145
Substitute First Revised Sheet No. 148

Tennessee states that the revised sheets are being filed pursuant to Ordering Paragraph (B) of the Commission's order issued July 17, 1991.

Tennessee states that a copy of the tariff filing has been mailed to affected customers on Tennessee's System and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19839 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88–686–003]

Texas Gas Transmission Corporation; Tariff Filing

August 14, 1991.

Take notice that on July 17, 1991, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet Nos. 10B and 10C
First Revised Sheet Nos. 37 and 38
Original Sheet Nos. 39 through 45

Texas Gas states that these tariff sheets are being filed in compliance with a Federal Energy Regulatory Commission (Commission order issued May 13, 1991, in Docket No. CP88–686–001), whereby Texas Gas was directed to file, prior to implementing its Capacity Assignment Program (CAP), to revise language contained in proposed section 9 of its FT Rate Schedule as filed in its amended certificate application. Texas Gas further states that the tariff sheets included in the instant filing address all issues raised in the Commission's ordering paragraphs.

Texas Gas states that a copies of the filing have been served upon Texas Gas's jurisdictional and nonjurisdictional sales and transportation customers, interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–19831 Filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–94–009]

Trailblazer Pipeline Co.; Changes in FERC Gas Tariff

August 14, 1991.

Take notice that on August 8, 1991, Trailblazer Pipeline Company (Trailblazer) tendered for filing Substitute Original Sheet No. 14 and Substitute Original Sheet No. 32 to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective June 1, 1991.

Trailblazer states that the tariff sheets are submitted in compliance with the Commission's Letter Order issued July 24, 1991 at Docket Nos. RP84–94–007, *et al.* The sheets reflect modifications to section 3.4 of Rate Schedule FTS correcting any inconsistencies and section 3.2 of Rate Schedule ITS giving adequate notice of curtailment.

Trailblazer requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective June 1, 1991.

Trailblazer states that a copy of the filing is being mailed to Trailblazer's customers, interest state regulatory agencies and all parties set out on the official service list at Docket Nos. RP84–94–000, *et al.*

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary

[FR Doc. 91–19833 filed 8–19–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR91–25–000]

Transco-Louisiana Intrastate Pipeline Co.; Petition for Rate Approval

August 14, 1991.

Take notice that on August 2, 1991, Transco-Louisiana Intrastate Pipeline Company (Transco-Louisiana) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of $0.0036 per dekatherm for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Transco-Louisiana states that it is an intrastate pipeline in the state of Louisiana. Transco-Louisiana is requesting section 311(a)(2) rate approval for transportation to be rendered on its Thibodaux Interconnect located in Lafourche Parish, Louisiana. Transco-Louisiana's previous rate for section 311 service on this interconnect was $0.0045 per dekatherm and was approved by the Commission March 23, 1989 in Docket No. ST88–4224–000.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time

for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before August 27, 1991. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19838 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT91-32-000]

Valero Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff

August 14, 1991.

Take notice that Valero Interstate Transmission Company ("Vitco"), on July 31, 1991 tendered for filing the following tariff sheets as required by Commission Order No. 500-K dated April 4, 1991 in Docket No. RM87-34-065, et. al.:

FERC Gas Tariff, Original Volume No. 1

1st Revised Sheet No. 29.2a
1st Revised Sheet No. 29.5a
2nd Revised Sheet No. 63.1

Vitco states that this filing reflects changes in its tariff language which deletes reference to take-or-pay credits pursuant to the requirements of Order 500-K.

The proposed effective date of the above filing is September 1, 1991. Vitco requests a waiver on any Commission order or regulations which would prohibit implementation by September 1, 1991.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19832 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-107-003]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

August 14, 1991.

Take notice that Williams Natural Gas Company (WNG) on August 9, 1991, tendered for filing Second Substitute First Revised Sheet Nos. 260-262 to its FERC Gas Tariff, First Revised Volume No. 1 to be effective March 31, 1991.

WNG states that Second Substitute First Revised Sheet No. 260 is being filed in compliance with the Commission Order issued July 25, 1991 in Docket No. RP91-107-001. Second Substitute First Revised Sheet Nos. 261 and 262 are being filed for pagination purposes only.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-19834 Filed 8-19-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 91-53-NG]

Valero Industrial Gas, L.P.; Application for Blanket Authorization To Import and Export Natural Gas from Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas from Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on July 24, 1991, of an application filed by Valero Industrial Gas, L.P. (Vigas) requesting blanket authorization to import and export up to a combined total of 200 billion cubic feet (Bcf) of natural gas over a two-year period beginning with the date of first delivery. In its application, Vigas requested an amendment to its existing authorization contained in the DOE/FE Opinion and Order No. 342 (Order 342), which gave blanket authority to Vigas to export up to 150 Bcf of natural gas to Mexico over a two-year term that began on November 1, 1989. Should Vigas' new request be authorized, the new order would replace Vigas' existing authority under Order 342.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notice of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time September 19, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Linda Silverman, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7249.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Vigas, a Delaware corporation with its principal place of business in San Antonio, Texas, markets natural gas for resale or for sale to specific end users. Under its present authorization in Order 342, Vigas currently sells natural gas to Petroleos Mexicanos (Pemex) or subsidiaries of Pemex pursuant to two contracts. Pemex has indicated that it wishes to extend these two arrangements on a spot basis for at least another two-year period. In addition, Vigas anticipates other short-term export arrangements and believes there exists the potential to import gas from Mexico during the same period. Vigas requests that the gas to be

imported or exported be permitted to enter at any existing delivery point on the U.S.-Mexican border. The company also states that it will submit quarterly reports detailing each transaction.

The decision on this application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines regarding the requested import and export authority. The applicant asserts that imports and exports made under the proposed arrangement will be competitive and otherwise consistent with DOE import and export policy. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsbilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Vigas' application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on August 13, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91–19895 Filed 8–19–91; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3985–8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Application for Motor Vehicle Emission Certification and Fuel Economy Labeling (EPA ICR #783.14; OMB #2060–0104). This ICR requests renewal of the existing clearance.

Abstract: Motor vehicle and motor vehicle engine manufacturers maintain records and submit detailed reports to EPA describing emissions control systems, test results and sales information. The EPA, the IRS and the DOT use the information to verify compliance with the Clean Air Act, gas guzzler taxes in the Omnibus Reconciliation Act, 1990, and Corporate Average Fuel Economy Standards respectively. State and local governments also use the information in their inspection/maintenance programs. More specifically, the EPA uses the information to issue certificates of conformity and fuel economy labels, to determine that manufacturers conducted appropriate tests and to verify that vehicles comply with prescribed emission standards.

Burden Statement: The public reporting burden for this collection of information is estimated to average 14,600 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. In addition, each respondent will spend an estimated 1200 hours per year

maintaining the records required for reporting and enforcement.

Respondents: Manufacturers of motor vehicles and motor vehicle engines.

Estimated Number of Respondents: 86.

Estimated Total Annual Burden on Respondents: 1,367,400 hours.

Frequency of Collection: Annually.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460.

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: August 14, 1991.

Paul Lapsley, Director,

Regulatory Management Division.

[FR Doc. 91–19896 Filed 8–19–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–42146; FRL 3941–9]

Testing Consent Agreement Development for Acrylic Acid; Solicitation for Interested Parties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's procedures for requiring the testing of chemical substances and mixtures under section 4 of the Toxic Substances Control Act (TSCA) include the adoption of enforceable consent agreements (ECAs) and the promulgation of test rules. ECAs may be adopted where consensus on an industry test program is reached in a timely manner by EPA, affected manufacturers and/or processors, and other interested parties. If timely consensus cannot be reached or appears unlikely, and the Agency makes certain statutory findings under TSCA, then EPA would issue a test rule. This notice serves three purposes under these procedures. First it requests "interested persons" who wish to participate in testing negotiations for acrylic acid (CAS. No. 79–10–7) to identify themselves to EPA. Second, it announces a public meeting to initiate testing negotiations for this chemical. Third, it proposes a target schedule for implementation of the consent agreement process.

DATES: Submit written notice to be designated an interested party on or before September 5, 1991. A public meeting will be held on September 12, 1991. Persons interested in attending the public meeting should notify EPA by calling Mary Louise Hewlett, (202) 475–8162, on or before September 5, 1991.

ADDRESSES: Submit written request to be an "interested party" in triplicate, identified by the document control number (OPTS–42146) to: TSCA Public Docket Office (TS–793), Office of Toxic Substances, Environmental Protection Agency, rm. NE–G004, 401 M St., SW., Washington, DC 20460. The public meeting will be held in: Rm. 101, Northeast Mall, EPA Headquarters, 401 M St., SW., Washington, DC, 20460.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: EPA has amended the procedural regulations in 40 CFR part 790 (51 FR 23706; June 30, 1986), which govern the development and implementation of testing requirements under section 4 of TSCA. These amendments establish procedures for using ECAs to develop testing requirements under section 4 of the Act.

I. Identification of Interested Parties

Under 40 CFR 790.22, the testing negotiation procedures are initiated by the publication of a **Federal Register** notice which invites persons interested in participating in or monitoring negotiations for the development of an ECA to notify the Agency in writing. Those individuals and groups who respond to EPA's notice by the deadline established in this notice will have the status of "interested parties" and will be afforded opportunities to participate in the negotiation process. These "interested parties" will not incur any obligations by being designated "interested parties". The procedures for these negotiations are described in 40 CFR 790.22. Individuals and groups desiring to have the status of "interested parties" in the development of the ECA for acrylic acid should submit a written request to the Agency at the address given above on or before September 5, 1991.

II. Public Meeting

A public meeting will be held from 2 p.m. to 4 p.m. on September 12, 1991, in rm. 101, Northeast Mall, EPA Headquarters, 401 M St., SW., Washington, DC 20460, to announce EPA's preliminary testing determination for health effects testing of acrylic acid and to initiate testing negotiations. Persons interested in attending this meeting should notify Mary Louise Hewlett, (202) 475–8162, by September 5, 1991.

III. Timetable for Negotiating Test Agreement

The following target schedule is established for acrylic acid:

1. September 5, 1991—Deadline to be designated an interested party.

2. September 12, 1991—Public Meeting to initiate testing negotiations.

3. September 19, 1991—Draft consent order sent to interested parties if EPA and interested parties reach agreement.

3. November 19, 1991—Issuance of consent order.

If an ECA cannot be established in the allotted time, then testing will be proposed in a test rule.

Authority: 15 U.S.C. 2603.

Dated: August 14, 1991.

James B. Willis,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 91–19903 Filed 8–19–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–911–DR]

Iowa; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Iowa (FEMA–911–DR), dated July 12, 1991, and related determinations.

DATES: July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Iowa, dated July 12, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 12, 1991:

The counties of Greene, Hamilton, and Hancock for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-19810 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-906-DR]

Mississippi; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of major disaster for the State of Mississippi (FEMA-906-DR), dated May 17, 1991, and related determinations.

DATES: August 5, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Mississippi, dated May 17, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 17, 1991:

Claiborne County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-19811 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-912-DR]

Wisconsin; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA-912-DR), dated August 6, 1991, and related determinations.

DATES: August 6, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated August 6, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Wisconsin, resulting from severe storms, wind, and hail on July 7, 1991, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Wisconsin.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Gary Pierson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Wisconsin to have been affected adversely by this declared major disaster:

The counties of Dane, Jefferson, Ozaukee, and Waukesha for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91-19804 Filed 8-19-91; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOUSING FINANCE BOARD

[No. 91-293]

Monthly Survey of Rates and Terms On Conventional 1-Family Nonfarm Mortgage Loans

AGENCY: Federal Housing Finance Board.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: The Federal Housing Finance Board ("Finance Board") hereby gives notice that it has submitted to the Office of Management and Budget ("OMB") a request for review and approval of a revision of a currently approved information collection entitled "Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans," in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

Type of Review: Revision of a currently approved collection.

Title: Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans.

Form Number: FHFB 10-91 (proposed).

OMB Number: 3069-0001.

Expiration Date of OMB Clearance: September 30, 1991.

Frequency of Response: Monthly.

Respondents: A sample of savings and loan associations, savings banks, commercial banks, and mortgage companies.

Number of Respondents: 1,000.

Number of Responses per Respondent: 1.

Total Annual Responses: 12,000.

Average Number of Hours per Response: 1.0.

Total Annual Burden Hours: 12,000.

Finance Board Contact: Elaine L. Baker, (202) 408-2837, Executive Secretariat, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Act Project (3069-0001), Washington, DC 20503.

Comments: Comments on this information collection request are welcome and should be received on or before September 4, 1991.

ADDRESSES: A copy of the submission may be obtained by calling or writing the Finance Board contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the Finance Board contact listed above.

NEED FOR USES: Section 731(f) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA," Pub. L. No. 101-73, 103 Stat. 183) amended the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and the Federal Home

Loan Mortgage Corporation Act (12 U.S.C. 1454) by giving the Finance Board the responsibility for this survey by which the mortgage purchase price limitations of these two agencies are determined. This survey provides the only comprehensive and consistent source of information on conventional (i.e., not insured by the Federal Housing Administration or guaranteed by the Veterans Administration) mortgage rates and terms, and prices on houses financed by conventional mortgages. It is the only nationally consistent source of house price and mortgage term information available for states and metropolitan areas.

The information is used for general statistical purposes and program evaluation. In addition, certain statistical uses are specifically required by statute or regulation. These include use of the data by the Office of Thrift Supervision (formerly the Federal Home Loan Bank Board) as an adjustable-rate mortgage ("ARM") index and use of the data by the Internal Revenue Service in the determination of "safe-harbor" limits for state mortgage revenue bond programs. Data from the survey is used an additional information by the Federal Housing Administration is adjusting the size of mortgage loans it insures. Several States also use the data generated by this report in adjusting various programs. In addition, the data has been used in judicial proceedings, especially Tax Court cases concerning the number and amount of up-front "points" charged on mortgage loans.

Dated: August 12, 1991.

Federal Housing Finance Board.

J. Stephen Britt,

Executive Director.

[FR Doc. 91–19885 Filed 8–19–91; 8:45 am]

BILLING CODE 6725-01-M

FEDERAL RESERVE SYSTEM

CCB Financial Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 11, 1991.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. CCB Financial Corporation, Durham, North Carolina; to engage *de novo* through its subsidiary, Central Carolina Bank - Georgia, Columbus, Georgia, in making and servicing credit card loans and accepting deposits pursuant to § 225.25(b)(1) of the Board's Regulation Y and section 2(c)(2)(F) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, August 14, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-19849 Filed 8-19-91; 8:45 am]

BILLING CODE 6210-01-F

Shawnee Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than September 11, 1991.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Shawnee Bancshares, Inc., Grand Tower, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Downstate National Bank of Grand Tower, Grand Tower, Illinois.

Board of Governors of the Federal Reserve System, August 14, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-19848 Filed 8-19-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute on Drug Abuse; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the advisory committees of the National Institute on Drug Abuse for September 1991.

The National Advisory Council on Drug Abuse will be performing review of applications for Federal assistance; therefore, portions of this meeting will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

The Drug Testing Advisory Board will be performing reviews of National Laboratory Certification Program inspections and operations; therefore portions of this meeting will be closed to the public as determined by the

Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(2), (4), and (6) and 5 U.S.C. app. 2 10(d).

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 10–42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443–2755).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Drug Testing Advisory Board, NIDA.
Meeting Date: September 11, 1991.
Place: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.
Open: 9 a.m. to 12 p.m.
Closed: Otherwise.
Contact: Donna M. Bush, Ph.D., room 9A–53, Parklawn Building, Telephone (301) 443–6014.

Committee Name: National Advisory Council on Drug Abuse.
Meeting Date: September 12–13, 1991.
Place: Grand Hyatt Washington, 1000 H Street, NW., Washington, DC. 20001.
Open: September 12, 9 a.m.-1 p.m., September 13, 9 a.m.-3 p.m.
Closed: Otherwise.
Contact: Ms. Sheila Harley Gardner, room 10A–10, Parklawn Building, Telephone (301) 443–3229.

Dated: August 14, 1991.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 91–19791 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–20–M

Centers for Disease Control

[Announcement Number 177]

Project Grant To Design and Implement Education Programs on HIV and AIDS Utilizing Permanent and Traveling Exhibits for Science Museums

Introduction

The Centers for Disease Control (CDC), the nation's prevention agency, announces the availability of project grant funds to the Museum of Science and Industry, Chicago, Illinois, to support the design, development, fabrication, installation, and distribution of permanent and traveling exhibits on human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS). These exhibits are to impart basic scientific, medical, and public health information which serves to promote healthy life-styles and risk reducing behaviors for young people and adults of various ethnic and racial backgrounds. The exhibits and related educational materials should be suitable for use by large science museums located in at least 8 of the 15 cities with the highest cumulative number of reported AIDS cases, as well as by the majority of science museums nationwide.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of HIV Infection, Sexually Transmitted Diseases, and Educational and Community-Based Programs. (For ordering a copy of Healthy People 2000, see the section Where To Obtain Additional Information.)

Authority

This program is authorized under the Public Health Service (PHS) Act, section 301 (42 U.S.C. 241), and section 317 (42 U.S.C. 247b(a)), as amended.

Eligible Applicant

Assistance will be provided only to the Museum of Science and Industry, Chicago, Illinois, which will serve as the agent for the following consortium members, hereafter referred to as the National AIDS Exhibit Consortium (NAEC):

1. Museum of Science, Science Park, Boston, MA 02114–1099.
2. New York Hall of Science, 47–01 111th Street, Flushing Meadows Corona Park, NY 11368.
3. The Franklin Institute, Benjamin Franklin Parkway, Philadelphia, PA 19103–1194.
4. Museum of Science and Industry, 37th Street and Lake Shore Drive, Chicago, IL 60637–2093.
5. Exploratorium, 3601 Lyon Street, San Francisco, CA 94123.
6. Maryland Science Center, 601 Light St., Baltimore, MD 21230.
7. California Museum of Science and Industry, 700 State Drive, Los Angeles, CA 90037.
8. National Museum of Health & Medicine Foundation, P.O. Box 59748, Washington, DC 20012–9748.

No other applications are solicited. The NAEC is composed of museums serving the large metropolitan areas of Baltimore, Boston, Chicago, Los Angeles, New York City, Philadelphia, San Francisco, and Washington, DC. NAEC members have already initiated, and in some instances fabricated, educational exhibits on HIV and AIDS in response to the significant impact of the disease on their communities. The NAEC is the only national organization representing nonprofit science museums which has adopted a mission statement with the expressed purpose of increasing public understanding of the HIV epidemic by providing information and education through dynamic and interpretive exhibits that reach out to a broad spectrum of the population. NAEC is also the only national consortium of science museums that has committed itself to collaborative planning and implementation of such educational exhibits on HIV and AIDS and has demonstrated its commitment through a series of information gathering and project plan sharing activities. As such, NAEC is the most appropriate and qualified organization to provide the programs and services specified under this grant.

Availability of Funds

Approximately $1,500,000 is available in fiscal year 1991 to fund this project grant. It is expected to begin on or about September 30, 1991, for a 12-month budget period within a one-year project period.

Purpose

The purpose of this grant is to provide the science museums nationwide with plans, exhibits, displays, and associated instructional materials that will expose museum visitors to an educational experience conducive to the adoption of risk-reducing behaviors.

Program Objectives

This project grant program has the following objectives:

A. To increase the number of science museums nationwide that provide museum visitors with permanent exhibits that inform and educate about HIV infection and AIDS. Initial emphasis will be to increase the availability of such exhibits in the large metropolitan areas experiencing the largest number of reported cases.

B. To assure that science museums nationwide have access to specific planning documents that would enable them to construct effective educational exhibits on HIV infection and AIDS; and to have access to traveling exhibits designed to serve the same educational purposes.

Program Requirements

The Museum of Science and Industry, Chicago, Illinois, must meet the following requirements:

Recipient Activities

A. Identify and establish a mailing list of all potential science museum participants. "Science museum," as understood for the purpose of this project, refers to any nonprofit institution providing interactive exhibits, demonstrations, and informal educational experiences designed to further public understanding of science and technology. Such institutions may include organizations referred to as science centers, science-technology or health-science centers, and youth museums.

B. Collect current information about the biological, medical, and social aspects of the disease and develop a mechanism whereby all science museums identified in part A above are kept by up-to-date with advances in AIDS related research.

C. Produce and disseminate to all museums identified in part A above a compendium of creative opportunities consistent with existing and planned formats utilized by science museums that would enable museums to initiate and fabricate HIV and AIDS exhibits that are culturally sensitive. The compendium should further present the collective thoughts of consortium members on the most appropriate goals and objectives toward which these exhibits should aspire. These, in turn, should be consistent with the health goals for the Nation as stated in Healthy People 2000. The "creative opportunities" should provide readers with sufficient detail regarding space requirements, equipment needs, budgetary requirements, potential vendors and consultants, etc., so that potential museum sites could proceed with concrete plans needed for fabricating and securing funds for such exhibits.

D. Develop a detailed description of the specific exhibits, programs, materials, and the like which each member of NAEC has undertaken or implemented. This description should include information on the nature or format of such exhibits, the key learning experiences or content emphasis contained in each, and information on actual or potential audiences served (including demographic profiles where available and planned or actual diffusion of exhibit programs through the network of science museums).

E. Devise a plan for assuring non-Federal financial support to supplement project implementation costs and to assure on-going maintenance and updating of produced exhibits and materials.

F. Devise an evaluation plan which will determine the probable and/or actual reach of the project and its effects on the knowledge, attitudes, and behavioral intentions, both intended and unintended, or audiences exposed to the learning opportunities.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria;

A. The applicant's understanding of the purposes of this project.

B. The extent to which the applicant's goals, objectives, methods, and evaluation plans are consistent with the program requirements.

C. The extent to which the personnel and consultants provide evidence of the consortium's ability to accomplish the objectives of this project.

D. Evidence that financial support from non-Federal sources has been and will be forthcoming at a level necessary to complete the first year objectives and to assure continuation of the project without additional, future Federal support.

In addition, consideration will be given to the extent to which the budget is clearly justified and consistent with the intended use of the funds.

Other Requirements

A. Confidentiality

All information obtained on any person by a program that is acting with funds awarded through this project grant shall not be disclosed unless that person grants permission to do so or unless otherwise required by a law of a state or one of its political subdivisions. Information from any such project may be disclosed only in summary or statistical form that maintains the person's anonymity.

B. Compliance With Program Review Panel Requirements

Applicant *must* comply with the terms and conditions in the guidance document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionaires, Survey Instruments, and Educational Sessions (January 1991) [a copy of which is available in the application kit] in carrying out public information and other educational activities. The latest version of this document will be incorporated into the terms and conditions of the notice of grant award made under this announcement. If the State/Local Health Department Program Review Panel is not used, then at least one member of grantee's review panel must be a member from the Health Department panel.

Executive Order 12372

This application is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372 (45 CFR part 10).

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance (CFDA) Number for this project grant is 93.118.

Application and Submission Deadline

The Museum of Science and Industry, Chicago, Illinois, must submit an original and two copies of the application (Form PHS 5161–1) on or before August 23, 1991 to: Clara M. Jenkins, Grants Management Officer; Grants Management Branch, Procurement and Grants Office, Centers for Disease Control; 255 East Paces Ferry Road, NE., room 300 Mailstop E–14, Atlanta, Georgia 30305.

1. *Deadline:* The application shall be considered as meeting the deadline if it is either:

A. Received on or before the deadline date.

B. Sent on or before the deadline date and received in time for submission to the independent review group. (The applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable proof of timely mailing.)

2. *Late Application:* An application which does not meet the criteria in 1.A. or B. is considered a late application. A late application will not be considered in the current funding cycle and will be returned to the applicant.

Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please reference Announcement Number 117 and contact the following: Business management technical assistance may be obtained from Bernice A. Moore, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Mailstop E–14, Atlanta, GA 30305, (404) 842–6575 or FTS 236–6575.

Programmatic technical assistance may be obtained from Fred Kroger, National AIDS Information and

Education Program, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop A24, Atlanta GA 30333, (404) 639–0965 or telefax (404) 639–0973.

A copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) referenced in the Introduction may be obtained through the Superintendent of Documents Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Dated: August 13, 1991.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 91–19855 Filed 8–19–91: 8:45 am]

BILLING CODE 4160–18–M

[Announcement Number 169]

Project Grants for Model Immunization Program Demonstration

Introduction

The Centers for Disease Control (CDC) announces the availability of project grant funds in Fiscal Year 1991 to develop a model program to enhance the consumer demand for and service delivery of vaccines.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the Section Where To Obtain Additional Information.)

Authority

This program is authorized under the Public Health Service Act 317k [42 U.S.C. 247b(k)], as amended. Regulations governing the implementation of this legislation are covered under 42 CFR part 51b, subparts A and B.

Eligible Applicants

Eligible applicants for this program are the official public health agencies who are current recipients of project grants for Preventive Health Services-Immunization. To focus funds where the problem is most severe, eligibility is limited to programs operating in high-risk, underserved, inner-city metropolitan areas with populations of at least 250,000 where the incidence of vaccine-preventable diseases is high in preschool children, or in which immunization coverage in preschool children is low. Specific criteria for eligibility include a city or county or a clearly defined segment of an urban population with either documented incidence of measles in preschool children (<5 years of age) of 20 per 100,000 over the last 5 years (1986–1990 or similar interval updated to present) or demonstrated age-appropriate vaccination coverage of <60 percent for 4 doses of Diphtheria, Tetanus and Pertussis (DTP) vaccine, 3 doses of Oral Polio Vaccine (OPV), and 1 dose of Measles, Mumps, Rubella (MMR) vaccine by the second birthday.

Availability of Funds

Approximately $1,000,000 is available in Fiscal Year 1991 to fund up to two model immunization program demonstration grants. It is expected that the average award will be $500,000, ranging from $450,000 to $550,000. It is expected that awards will begin on or about September 30, 1991, for a 12-month budget period within a project period of up to 2 years. Funding estimates may vary and are subject to change. Continuation awards within the approved project period will be made on the basis of satisfactory progress and the availability of funds.

These funds will be available to provide technical assistance; to remove or reduce clinic administrative and financial barriers; to eliminate inappropriate medical barriers; to expand access to public immunization services; to increase the demand for immunization services in the community through collaboration with other agencies and community-based organizations; and to evaluate the effectiveness of these activities. For evaluation purposes, the recipient must establish separate intervention and control sites. Projects are strongly encouraged to collaborate with universities, schools of public health, medical schools or other consultants, particularly to develop and implement plans for program evaluation.

Purpose

The purpose of the Model Immunization Demonstration Program is to develop and evaluate a prototype program designed to eliminate identifiable barriers and failures at the system, provider and consumer levels.

Program Requirements

CDC staff will provide technical assistance in the development and implementation of these demonstrations.

These funds are intended to allow recipients to develop a model immunization program within an intervention area. The proposal should describe specific actions designed to remove barriers to the delivery of age-appropriate immunization, to eliminate missed opportunities for immunization or other failures to appropriately immunize, and to increase demand for immunization services in the intervention area clinics. Barriers, missed opportunities and failures to immunize at the system, provider and consumer levels must be addressed. Plans to evaluate the effectiveness of strategies to eliminate these barriers, missed opportunities, and failures must also be described. The proposal must include a description of how each program activity will be conducted. All proposed actions/activities should be described in sufficient detail to indicate how they will ultimately improve coverage.

A. Program Activities

1. Implement specific clinic immunization practices (see "Clinic Immunization Practices," a copy of which is included in the application kit) in all clinics within the geographic area targeted by the proposal.

2. Collaborate with other public agencies (e.g., Special Supplemental Food Program for Women, Infants and Children, Aid to Families with Dependent Children, Early and Periodic Screening Diagnosis and Treatment, Head Start, Public Housing, Food Stamps, etc.) to develop systems for routine assessing immunization records, referring vaccination candidates to clinics and, if possible, providing on-site immunization services in the field offices of these programs.

3. Provide immunization services in public and private hospital pediatric clinics and emergency departments.

4. Open satellite immunization clinics in parts of the intervention area which are underserved.

5. Community Health Education. a. Develop and distribute or broadcast messages on the importance, safety and efficacy of immunizations.

b. Publicize the availability of the free, walk-in immunization services in the intervention area.

As an optional element, consideration should be given to increasing access to services by removal of transportation (e.g., providing reimbursement for public transportation) and child care barriers.

B. Evaluation Methodology

A detailed and specific plan for the ongoing evaluation of the demonstration and measurement of its effect upon vaccination rates for pre-school children (<24 months) must be included in the proposal. Program effectiveness may be

assessed through several means, including but not limited to:

1. Process Measures

a. Doses of vaccine administered before and during the intervention program to preschool-age children in the target population.

b. Increases in the numbers of preschool-age children seeking vaccinations from community clinics and other vaccine providers.

c. Changes in clinic policies for vaccination (use of standing orders, "fast-track" vaccination services, etc.) and the effect upon waiting times and other barriers to service delivery.

2. Direct Assessment

Projects may wish to collaborate with universities, schools of public health, medical schools, or other evaluation consultants to develop and implement plans for program evaluation such as:

a. Systematic pre- and post-project assessment audits of clinic medical charts and vaccination records for missed opportunities, appropriate observance of contraindications and timeliness of vaccinations.

b. Pre- and post-project assessment of vaccination related knowledge, attitudes and practices among target communities residents or persons attending community health care providers.

c. Pre- and post-project assessment of vaccine provider knowledge, attitudes and practices regarding vaccination.

d. Pre- and post-project surveys of the target community for vaccine coverage levels.

The assessment plan included in the proposal must include community clinic record audits before and after the intervention, a community-based assessment of vaccine coverage before and after the project, and one or more other process or direct evaluation measures listed above.

Evaluation Criteria

Each application will be evaluated individually according to the following criteria (maximum 100 points):

A. The applicant's understanding of the purpose of the program and the appropriateness and feasibility of the project and the potential for positive impact of the project on meeting the stated goals of the program. (10 points)

B. The extent to which background information and other data demonstrate that the applicant has the appropriate organizational structure, administrative support, accessibility to immunization records of the target population to implement the project and produce statistically valid results, and the ability to accomplish project goals. (10 points)

C. The degree to which long- and short-term objectives are consistent with the purpose of the demonstration project and are realistic, specific, measurable, and time-phased. (10 points)

D. The quality of the plan of operation for conducting and monitoring proposed activities and the degree to which the plan covers each proposed activity outlined under Program Requirements and specifies the what, who, where, how, and the timing for start and completion of each. (25 points)

E. The degree to which the evaluation will be able to measure achievement of each objective and the quality of the methods and instruments to be used. (25 points)

F. The extent to which methods and strategies proposed are financially feasible and transferable to other states, counties, and/or cities. (10 points)

G. The extent to which qualified and experienced personnel are available to carry out the proposed activities of the project. (10 points)

In addition, consideration will be given to the extent to which the budget request is clearly explained, adequately justified, reasonable, consistent with the intended use of funds, and the extent to which the applicant is contributing its own resources to childhood immunization activities.

Other Requirements

Projects that involve the collection of information from 10 or more individuals will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Executive Order 12372 Review

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. E.O. 12372 sets up a system for state and local government review of proposed Federal assistance applications. Applicants (other than Federally-recognized Indian tribal governments) should contact their state Single Point of Contact (SPOCs) as early as possible to alert them to the prospective application and receive any necessary instructions on the state process. A current SPOC list is included in the application kit. The SPOC should send any state recommendations, on or before September 26, 1991, to: Edwin L. Dixon, grants Management Officer, grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305. CDC does not guarantee to "accommodate or explain" any state process recommendations it receives after September 26, 1991.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.185, Immunization Research, Demonstrations, Public Information, and Education Projects.

Application Submission and Deadline

The original and two copies of the application (from PHS 5161–1) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, on or before August 30, 1991.

A. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group.

(Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable proof of timely mailing.)

B. *Late Applications:* Late applications will not be considered in the current funding cycle and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package and business management assistance may be obtained from Eddie L. Wilder, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, (404) 842–6640 or FTS 236–6640.

Programmatic technical assistance may be obtained from Dennis O'Mara, Program Services Branch; and Vance Dietz and Ed Maes, Surveillance, Investigations, and Research Branch; Division of Immunization, Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639–1284, 1864 or FTS 236–1284, 1864.

Please refer to Announcement 169 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or

Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Dated: August 14, 1991.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 91–19854 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–18–M

Presentation and Discussion of Issues Concerning the Fiscal Year (FY) 1992 HIV Prevention Cooperative Agreements With Representatives From State and Local Health Departments and National Organizations: Meeting

The National Center for Prevention Services (NCPS) of the Centers for Disease Control (CDC) announces the following meeting.

Name: Presentation and Discussion of Issues Concerning FY 1992 HIV Prevention Cooperative Agreements with Representatives from State and Local Health Departments and National Organizations Meeting.

Time and Dates: 8:30 a.m.–5 p.m., August 27, 1991. 8:30 a.m.–12 noon, August 28, 1991.

Place: Terrace Garden Inn Buckhead, 3405 Lenox Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by space available.

Purpose: Representatives from state and local health departments and national organizations will identify and consider issues of importance in the development of a new program guidance for the FY 1992 HIV Prevention Cooperative Agreement. The new guidance will meet the changing needs and priorities of public health officials and assist them in planning their FY 1992 prevention programs.

Matters to be Discussed: Representatives from state and local health departments and national organizations will discuss the current NCPS HIV Prevention program guidance and findings from program assessments conducted by NCPS. Participants will identify and discuss issues which are important to the development of new guidance for the FY 1992 HIV Prevention Cooperative Agreement.

Contact Person for More Information: Stephen Schindler, Senior Public Health Advisor, Office of the Deputy Director (HIV), NCPS, CDC, 1600 Clifton Road, NE, Mailstop E07, Atlanta, Georgia 30333, telephone 404/639–1480 or FTS 236–1480.

Dated: August 14, 1991.

Robert L. Foster,

Assistant Director for Special Projects, Office of Program Support, Centers for Disease Control.

[FR Doc. 91–19975 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 91N–0314]

Integrity Review of the Food and Drug Administration; Opportunity for Comment on FDA Integrity

AGENCY: Food and Drug Administration, HHS.

ACTION: Opportunity for public comment.

SUMMARY: The Food and Drug Administration (FDA) has awarded a 6-month contract to the law firm of Shaw, Pittman, Potts & Trowbridge to review and analyze the integrity of FDA's functions. The review will focus primarily on: (1) FDA's procedures for ensuring the integrity of data submitted to it by regulated companies, (2) its own internal decisionmaking procedures, and (3) its postmarket inspections and surveillance activities. In connection with this integrity review, public comments are sought regarding any perceived current weaknesses at FDA in these areas, and any proposed remedial measures.

DATES: All comments must be in writing, and should be submitted on or before September 23, 1991.

ADDRESSES: All responses should be mailed to John B. Rhinelander, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N St. NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: John B. Rhinelander, (address above), or Henry H. Dausch, Office of Executive Operations (HF–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5004.

SUPPLEMENTARY INFORMATION: As a further step in the ongoing efforts to ensure the overall integrity of FDA's systems and procedures, a contract has been awarded to the Washington, DC law firm of Shaw, Pittman, Potts & Trowbridge, to conduct a 6-month review and analysis of FDA's means for ensuring that data submitted by regulated companies are complete and accurate. John B. Rhinelander, the Principal Investigator on the contract, who was General Counsel of the Department of Health, Education and Welfare (now Health and Human Services) from 1973 to 1975, will be assisted by a team of other attorneys from the firm, and will also review FDA's decisionmaking procedures for integrity, objectivity, and soundness.

The team conducting this review is focusing specifically on: (1) FDA's procedures for ensuring that all information provided to the agency is honest and accurate, (2) the integrity of FDA's internal decisionmaking processes, and (3) the integrity of FDA's postmarket inspections and reviews. They are considering these issues from the perspective of FDA as a whole, and will be addressing particularly the agency's principal areas of responsibility—drugs, biologics, food and cosmetics, veterinary medicine, and medical devices and radiological health.

In connection with this undertaking, the review team seeks written comments on the following issues:

1. To what extent, if any, does the submission of fraudulent or inaccurate information, including scientific data, to FDA present a current problem for the agency, the general public or members of the industries regulated by FDA? If you are aware of such problems, please describe the problems and the contexts in which they might occur.

2. What procedures could FDA implement to better protect against the submission of fraudulent or inaccurate information?

3. Are FDA's internal decisionmaking processes (for example, its actions on applications for premarket approval of a drug or device, or its inspections of facilities) fair, impartial and free from any improper outside influences? If you believe that this is not the case, which decisionmaking processes are or may be inadequate or biased, and in what ways?

4. What internal controls or procedures should FDA consider implementing or modifying to protect the integrity of its decisionmaking processes?

If a submitter's comments are focused on a particular area of FDA responsibility, e.g., drugs or devices, this should be stated at the outset of the comments.

Because of the limited time available, the review team does not expect to be able to meet with those who may request a meeting. Therefore, it is requested that: (1) All comments be submitted in writing, and (2) the comments indicate at the outset which of the four issues they address.

Dated: August 14, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91–19793 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 91D–0293]

Guidance for Preparation of Premarket Approval Manufacturing Information; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is making available a document entitled "Guidance for Preparation of PMA Manufacturing Information" to assist device manufacturers in preparing and maintaining manufacturing information required in premarket approval (PMA) applications and PMA supplements.

DATES: Written comments by October 21, 1991.

ADDRESSES: Submit written requests for single copies of "Guidance for Preparation of PMA Manufacturing Information" to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on "Guidance for Preparation of PMA Manufacturing Information" to the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document.

"Guidance for Preparation of PMA Manufacturing Information" and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Debra Lewis, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1186.

SUPPLEMENTARY INFORMATION: In January 1991, significant changes in the review of the PMA manufacturing information occurred. PMA inspections were conducted since 1978 were usually limited to assessing the firm's capability to manufacture the device as claimed in the PMA and determining general compliance with the requirements of the current good manufacturing practice (CGMP) regulation (21 CFR part 820). A new PMA compliance program, CP 7383.001, effective December 1990, directs FDA field offices to consider the extent to which the firm has established a formal quality assurance program and has assured that the approved design is properly translated into specifications via process validation.

Simultaneous with the Office of Device Evaluation (ODE) review of an original PMA or a PMA supplement requesting approval for an alternate or additional manufacturing facility, the Office of Compliance and Surveillance (OCS) will review the manufacturing information in the PMA submission. In making the determination of the firm's ability to manufacture or process the device which is the subject of the PMA submission, OCS may issue an inspection assignment to the appropriate FDA district office. The inspection assignment will be issued when ODE has filed the submission and OCS has determined that the manufacturer has demonstrated in the PMA submission that the manufacturing process has been established and is functioning. All assignments will be accompanied by a copy of the manufacturing section, draft labeling and the description of appropriate device characteristics included in the PMA submission. Under certain conditions, OCS and the district office may decide that an inspection is not necessary. If the applicant is informed that a reinspection is necessary before approval of the PMA submission, all questions regarding the reinspection should be directed to the appropriate FDA district office in the case of a domestic facility, or to the following FDA office in the case of a foreign facility, Food and Drug Administration, Office of Regional Operations, International Programs and Technical Support Branch (HFC–133), 5600 Fishers Lane, Rockville, MD 20857, 301–443–1855.

In those cases where an inspection is not assigned, the district office will be requested to either concur in approval or to report information which may warrant delay of approval.

Compliance Program 7383.001 also provides for a post-approval inspection to be conducted within 8 months of Center of Devices and Radiological Health (CDRH) approval of the PMA submission. This inspection will primarily focus on any changes that may have been made in the device design, manufacturing process, or quality assurance systems. Prior to this post-approval inspection, the district office will be provided with the PMA holder's final printed labeling and any relevant information regarding approved and pending PMA supplements submitted in the interim.

The guidance suggests a format by which manufacturers can arrange the manufacturing section of the PMA that will assure that all areas needed by the CDRH to evaluate compliance with the CGMP's are addressed. Providing the information by the format suggested will result in a more expedient review by CDRH. The format follows the CGMP regulation.

FDA is making available this document for comment. Interested persons may submit to Dockets Management Branch (address above) their comments. Two copies of any comments should be submitted except that individuals may submit one copy. Comments are to be identified with the docket number identified in the heading of this document.

Dated: August 14, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91–19792 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee)

Date, Time, and Place

September 10, 1991, 9 a.m. and September 11, 1991, 8:30 a.m., Mercury Room, Holiday Inn, 550 C St. SW., Washington, DC.

Type of Meeting and Contact Person

Open committee discussion, September 10, 1991, 9 a.m. to 3:30 p.m.; open public hearing, 3:30 p.m. to 4:30 p.m., unless public participation does not last that long; open committee discussion, September 11, 1991, 8:30 a.m. to 12 m.; Ronald F. Coene, National Center for Toxicological Research (HFT–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3155.

General Function of the Committee

The committee shall advise the Secretary and the Assistant Secretary for Health Concerning its oversight of the activities of the ranch hand study by the Air Force and other studies in which the Secretary or the Assistant Secretary for Health believes involvement by the committee is desirable.

Agenda—Open Public Hearing

Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 26, 1991, and submit a brief statement of the general nature of the evidence or arguments

they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their comments.

Open Committee Discussion

The committee will conduct reviews of two Air Force health studies: (1) The reproductive outcomes report and (2) a mortality update. A final agenda will be available on September 3, 1991, by contacting the committee contact person.

Psychopharmacologic Drugs Advisory Committee

Date, Time, and Place

September 20, 1991, 8 a.m., Conference Rooms D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of Meeting and Contact Person

Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; Michael A. Bernstein, Center for Drug Evaluation and Research (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4020.

General Function of the Committee

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drug products for use in the practice of psychiatry and related fields.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 13, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

The committee will discuss suicidal thoughts, suicidal acts, and other violent behavior reported to occur in association with the pharmacological treatment of depression.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, Time, and Place

September 23, 1991, 9 a.m., and September 24, 1991, 8:30 a.m., Whetstone and Walker Rooms, Holiday Inn, Two Montgomery Village Ave., Gaithersburg, MD.

Type of Meeting and Contact Person

Open public hearing, September 23, 1991, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, September 24, 1991, 8:30 a.m. to 4:30 p.m.; John L. Gueriguian, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490. FAX 301–443-9282.

General Function of the Committee

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 9, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

This meeting will attempt to define acceptable efficacy endpoints to be used for testing antidiabetic drugs in general, with the presence and participation of worldwide experts on diabetes and its complications. On September 23, 1991, the committee will address the following issues: (1) A number of pertinent scientific and regulatory topics, (2) the metabolic alterations of diabetes, and (3) diabetic retinopathy. On September 24, 1991, the committee will discuss diabetic neuropathy and nephropathy.

Generic Drugs Advisory Committee

Date, Time, and Place

September 26 and 27, 1991, 8 a.m., Ramada Inn, Embassy Ballroom, 8400 Wisconsin Ave., Bethesda, MD.

Type of Meeting and Contact Person

Open committee discussion, September 26, 1991, 8 a.m. to 5 p.m.; open public hearing, 5 p.m. to 6 p.m., unless public participation does not last that long; open committee discussion, September 27, 1991, 8 a.m. to 5 p.m.; open public hearing, 5 p.m. to 6 p.m., unless public participation does not last that long; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General Function of the Committee

The committee gives advice on scientific and technical issues concerning the safety and effectiveness of human generic drug products for use in the treatment of a broad spectrum of human diseases and makes appropriate recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Director of the Center for Drug Evaluation and Research. The committee may also review agency-sponsored intramural and extramural biomedical research programs in support of FDA's generic drugs regulatory responsibilities.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 13, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

On September 26, 1991, the committee will discuss assessment of pharmacokinetic topics (rate and extent of absorption) in the determination of bioequivalence. On September 27, 1991, the committee will discuss statistical topics (data transformation, sequence effect, and outliner analysis) in the determination of bioequivalence.

Blood Products Advisory Committee

Date, Time, and Place

September 26 and 27, 1991, 8:30 a.m., Conference Rooms D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Type of Meeting and Contact Person

Open public hearing, September 26, 1991, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 6 p.m.; open committee discussion, September 27, 1991, 8:30 a.m. to 4:30 p.m.; Linda A. Smallwood, Division of Transfusion Science (HFB–900), Center for Biologics Evaluation and Research, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301–496–4396.

General Function of the Committee

The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood-based biological products and devices intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contract person before September 19, 1991, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

On September 26, 1991, the committee will review and discuss recommendations on syphilis testing relative to donor screening and deferral, an alternative procedure in regard to donor exclusion for a history of viral hepatitis, Public Health Service recommendations concerning HIV-1/HIV-2 combination tests, and hepatitis C virus antibody testing relative to screening of plasma for fractionation. On September 27, 1991, the committee will review and discuss "look-back" recommendations for recipient notification issues relative to infectious disease testing and blood donor suitability criteria.

FDA public advisory committee meetings may have as many as four separable

portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contract person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, room 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (addressed above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: August 13, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 91–19907 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Establishment of Criteria for Determining Priorities Among Designated Health Professional Shortage Areas

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 333A(c) of the Public Health Service Act, as amended by Public Law 101–597 (the National Health Service Corps Revitalization Amendments of 1990), this Notice establishes the criteria which the Secretary will use to make determinations under section 333A(a)(1)(A) of the health professional shortage areas (HPSAs) with the greatest shortages, using the exclusive factors specified in section 333A(b).

EFFECTIVE DATE: These criteria are effective upon publication, and will be used in the 1992 National Health Service Corps (NHSC) placement cycle which begins July 1, 1991. Public comments on these criteria are welcome, and will be considered in possible revisions to these criteria for use in future NHSC placement cycles.

FOR FURTHER INFORMATION CONTACT: Richard C. Lee, Director, Office of Shortage Designation, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Parklawn Building Room 4–101, 5600 Fishers Lane, Rockville, Maryland 20857 (telephone: 301–443–6932).

SUPPLEMENTARY INFORMATION: Section 332 of the Public Health Service Act (the Act) requires the Secretary to establish, by regulation, criteria for the designation of health professional shortage areas (HPSAs); to designate such areas, using the established criteria; to publish lists of the designated HPSAs; and to annually review the list and revise it as necessary. The required regulations setting forth the HPSA criteria were published in the **Federal Register** in 1978 and 1980 and are codified at 42 CFR part 5.

Public Law 101–597, enacted November 16, 1990, created a new section 333A of the Act. Section 333A(a)(1) requires that the Secretary give priority in assignment of NHSC personnel to entities serving HPSAs with the greatest health professional shortage. Section 333A(b) sets forth the exclusive factors to be considered by the Secretary in determining the HPSAs of greatest shortage. Section 333A(c) requires that the criteria for determining the HPSAs of greatest shortage be published in the **Federal Register**, including a specification of the manner in which the exclusive factors are being implemented. Sections 333A (d) and (f) require the Secretary to annually prepare a list of those HPSAs receiving priority; to specify those entities in each priority HPSA which are authorized to receive NHSC assignees; to notify affected entities of their inclusion; and to provide those individual NHSC Scholarship recipients whose period of obligated service will begin during the applicable period with a list of the specified entities appropriate for their specialty. Section 333A(e) relates the number of entities specified to the number of HPSA Scholarship recipients available for service.

The purpose of this Notice is to set forth the criteria for determining the HPSAs of greatest shortage. These criteria supplement, but do not replace, the criteria for designation of HPSAs codified at 42 CFR part 5.

Exclusive Factors for Determining Greatest Shortages

The following "Exclusive factors for determining greatest shortages" among HPSAs are mandated in section 333A(b):

1. The ratio of available health professionals to the number of individuals in the area or population group involved, or served by the medical faculty or other public facility involved.

2. Indicators of need, as follows:

(a) The rate of poverty.

(b) The rate of infant mortality.

(c) The rate of low birthweight births.

(d) Access to primary health services, taking into account the distance to such services.

Approach for Using "Exclusive Factors" to Determine Greatest Shortages

In order to determine the HPSAs of greatest shortage using the specified exclusive factors, the following approach has been adopted:

1. A scale is selected for the ratio factor and each need indicator.

2. Relative weights for the various factors/indicators are selected.

3. Each HPSA is scored on each factor/indicator.

4. The weighted factor/indicator scores are summed to obtain a total score for each HPSA.

5. The total scores for each HPSA are ranked from highest to lowest.

6. A level is selected annually to identify the boundary between the HPSAs of greatest shortage and all other HPSAs, based in part on the number of obligated-service HPSA members expected to be available in the forthcoming cycle.

7. Those HPSAs with total scores equal to or greater than the selected boundary level are identified as the HPSAs of greatest shortage.

Measurement of "Exclusive Factors"

1. Appropriate data for measuring the first factor, expressed as the ratio of the HPSA population to the number of full-time-equivalent health professionals serving it, is available for each HPSA in the HPSA data base maintained by the Health Resources and Services Administration, and will be used in the scoring. For HPSAs with no health professionals, the population size will be used. To safeguard against areas with fractional numbers of practitioners generating artificially high population-to-practitioner ratios, the scoring for this factor will also relate to the number of additional practitioners needed to remove the HPSA's designation (i.e., the "dedesignation threshold").

2. Poverty rate for census years (i.e. 1980 and 1990) is available for all counties, civil divisions and census tracts. (However, subcounty poverty rates have typically been provided and entered into the HPSA Data Base only for those HPSAs where poverty was identified as an indicator of high need in designating the HPSA.) Between censuses, some States and jurisdictions do county and/or subcounty projections which can be obtained directly or through vendors. This year, for non-single-county HPSAs, we are using HPSA-specific poverty data if available in the HPSA Data Base, and the 1989 estimate for the county or counties involved for all other HPSAs. For next year and future years, we will collect (or calculate from available data) the correct HPSA-specific value for poverty rate for each HPSA, incorporating the 1990 census data as soon as it becomes available.

3. Infant mortality rate is available for all counties and for some subcounty HPSAs (usually only those where infant mortality was identified as an indicator of high need in designating the HPSA). We use the most recent available five-year average to assure statistical significance. As in the case of poverty, we are using HPSA-specific data where already available in the data base, and the appropriate county value (or population-weighted combination of county rates) for all other HPSAs. Efforts will be made to collect and enter HPSA-specific values for infant mortality rate as we review and update HPSAs from now on.

4. Rate of low birthweight births until now has not been used in HPSA designation, but is available at the county level nationwide. The latest five-year average of the county value (or population-weighted combination of county rates) is therefore being used this year, with an effort to start collecting HPSA-specific values for this variable in future HPSA designation and update efforts.

5. The last indicator, "access to primary health services, taking into account the distance to such services," is not as clearly defined as the others. Since "distance to services" is explicitly mentioned in the relevant portion of the statute, while economic access is covered (at least in part) by the poverty indicator, we have focused on physical access. A physical access indicator already prominent within the HPSA criteria, and which depends strongly on distance, is the travel time to contiguous area resources. Use of travel time rather than distance *per se* allows consideration not only of "crow-flies" distance but also highway mileage, type of roads available, terrain (mountainous or flat), and typical traffic and weather conditions. We have selected travel times as our indicator of access at this time.

Unfortunately, although the travel time from the population center of the HPSA involved to the nearest contiguous resource is considered in HPSA designation, data on this variable has not been routinely collected and entered into the HPSA data base. Therefore, this year we had to estimate travel times for various types of areas, based on the limited travel time data available from national surveys, and attribute these estimated travel times to all HPSAs in areas of the corresponding types. We plan to collect and enter travel time data specific to individual HPSAs in future HPSA designation and update efforts.

Suggestions on better ways to deal with the access indicator are encouraged for consideration in possible future modifications to these criteria.

Scales for Each Indicator

A five-level scale has been developed for each indicator. (Smaller numbers of levels were found insufficient to properly discriminate; larger numbers of levels seemed to add unnecessary complexity.) The following scales have been selected at this time; comments suggesting improvements for possible future use are welcome.

1. Score for Ratio (R) of population to number of full-time-equivalent (FTE) primary care physicians (PCPs):

Ratio and Threshold (or minimum population if no physicians)	Score
R > 10,000:1 and DT*> 1.0 *or* no PCPs *and* a population of at least 5000.	5 points.
10,000:1 > R > 8000:1 and DT > 1.0 *or* no PCPs *and* a population of at least 4000.	4 points.
8000:1 > R > 6000:1 and DT > 1.0 *or* no PCPs *and* a population of at least 3000.	3 points.
6000:1 > R > 4000:1 and DT > 0.5 *or* no PCPs *and* a population of at least 2000 *or* R > 6,000:1 and 1.0 > DT > 0.5.	2 points.
4000:1 > R > 3000:1 and DT > 0.1 *or* no PCPs *and* a population of at least 1000 *or* R > 4,000:1 and 0.5 > DT > 0.1.	1 point.

*DT=Dedesignation threshold=number of PCPs necessary to satisfy shortage, such that R falls below the minimum level of 3000:1 necessary for designation.

2. Score for percent of population with incomes below Poverty level:

Poverty level (P)	Score
P > 50%	5 points.
50% > P > 40%	4 points.
40% > P > 30%	3 points.
30% > P > 20%	2 points.
20% > P > 15%	1 point.

3. Score for infant mortality rate and rate of low birthweight births: Although infant mortality rate is more often used as a general measure of community health status, these two are essentially alternative indicators of maternal and child health during the perinatal period, or of the degree to which perinatal services are being delivered to the target population. In some areas or for some populations, a problem is best indicated by one of these indicators; elsewhere, by the other indicator. Therefore, we have linked the two to arrive at a joint perinatal health index. Data on both indicators is assessed for each HPSA, and the HPSA is given the greater of the two resulting scores. In the following table, IMR = Infant mortality rate, in deaths per 1000 live births; LBW = Percent low birth weight babies (below 2500 grams).

Perinatal health index	Score
IMR > 20 *or* LBW > 13%	5 points.
20 > IMR > 18 *or* 13% > LBW > 11%.	4 points.
18 > IMR > 15 *or* 11% > LBW > 10%.	3 points.

Perinatal health index	Score
15 > IMR > 12 *or* 10% > LBW > 9%.	2 points.
12 > IMR > 10 *or* 9% > LBW > 7%....	1 point.

4. Access, including distance—Average travel time (T) to nearest source of care outside the HPSA:

Travel time	Score
T > 1 hour	5 points.
60 > T > 50 minutes	4 points.
50 > T > 40 minutes	3 points.
40 > T > 30 minutes	2 points.
30 > T > 20 minutes	1 point.

As discussed above, data on this indicator, although considered in HPSA designation, are now contained in the HPSA data base. These data will be collected and entered in the future. This year, based on national studies of travel time to source of care for residents of various types of areas, estimated travel times have been assigned to HPSAs of various types, as follows:

	Minutes
Frontier areas	75
Other nonmetropolitan county (or sub-county area) having no Places of population of 2500 or more.	55
Non-urbanized portions of other non-metropolitan counties.	45
Central cities of metropolitan areas	35
Remainder of metropolitan areas	25
Urbanized portions of nonmetropolitan counties.	19

Community groups in HPSAs may submit actual travel times to replace these estimates in our HPSA data base for future use.

Relative Weighting of Factors/ Indicators

Section 331(a) of the Act, as revised by Public Law 101–597, states that the purpose of the NHSC is to eliminate shortages in HPSAs. The primary factor in designating HPSAs is the population-to-practitioner ratio. Furthermore, in the portion of the legislation delineating the exclusive factors, this ratio was set apart as the first factor, while several other indicators were grouped together as "indicators of need." This suggests that the population-to-practitioner ratio should be more highly weighted than each of the other individual indicators.

Therefore, we have doubled the weight of the first factor. Adding this double-weighted factor score to the sum of the other indicator scores describe above results in an overall scale range of zero to 25.

All HPSAs are being scored using this scale. After an examination of the distribution of the scores arrived at in this way, a level is selected annually to represent the boundary between HPSAs of greatest shortage and all other HPSAs. This boundary level is expected to change from year to year as the number of available scholars, loan repayors and other potential NHSC assignees changes, as the number and characteristics of the HPSAs change, and as the accuracy of measurement of the exclusive factors increases.

Dated: June 25, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 91–19905 Filed 8–19–91; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Public and Indian Housing

[Docket No. N–91–3302]

Submission of Proposed Information Collection to OMB—Public and Indian Housing Youth Sports Programs NOFA

AGENCY: Office of the Assistant Secretary for Public And Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposal.

DATES: Comment due date: September 9, 1991.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by title and docket number and should be sent to both of the following:

Wendy Sherwin Swire, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

Joan Champion, Rules Docket Clerk, Department of HUD, 451 Seventh Street, room 10276, Washington, DC 20410

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 Seventh Street SW., room 4142, Washington, DC 20410, telephone (202) 708–0050. This is not a tool-free number. Copies of the documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for expedited processing, an information collection package with respect to a Notice of Funding Availability (NOFA) for the Public and Indian Housing Youth Sports Program.

The funds for this program represent five percent of the funds appropriated for the Public and Indian Housing Drug Elimination Program for FY 1991, in accordance with section 520(k) of the National Affordable Housing Act (NAHA) (Pub. L. 101–625, approved November 28, 1990).

Under the Youth Sports Program, HUD intends to provide $7.5 million for grants to public housing agencies and Indian housing authorities to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian housing developments.

In addition to giving the amounts available for funding the Youth Sports Program for FY 1991, the NOFA describes:

(1) The nature and scope of eligible program activities;

(2) The requirements and procedures for applicants to follow;

(3) The selection criteria for applications.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review as required by the Paperwork Reduction Act (44 U.S.C. chapter 35):

(1) Title of the information collection proposal: Public and Indian Housing Youth Sports Program Notice of Funding Availability.

(2) Office of the Agency to collect the information: Office of the Assistant Secretary for Public and Indian Housing.

(3) Description of the need for the information and its proposed use: The information is needed for the purposes of evaluating activities proposed for funding by applicants. The information comprises the application by eligible applicants who compete for funding under this program.

(4) Agency form number: Not applicable at this time.

(5) Member of the public who will be affected by the proposal: Public Housing

Agencies (PHAs), and Indian Housing Authorities (IHAs).

(6) How frequently information submissions will be required: One time.

(7) An estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response: See the Chart under the heading "Findings and Certifications" below.

(8) Type of request: Initial request.

(9) The name and telephone number of an agency official familiar with the proposal: Julie Fagan, Office of Public and Indian Housing (202) 708–1197.

A summary of the information collection requirements of the Youth Sports Program NOFA are set forth following this notice as an exhibit only. The paperwork burden is stated on a chart under the heading "Reporting Burden."

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; SEC. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 14, 1991.

Joseph G. Schiff,

Assistant Secretary for public and Indian Housing.

Proposal: Notice of Funding Availability for 1991—Public and Indian Youth Sports Program.

Office: Office of Drug-Free Neighborhoods.

Description of the Need for the Information and Its Proposed Use: This information collection is required in connection with the issuance of a Notice of Funding Availability (NOFA) that announces the availability of $7.5 million for the Public and Indian Housing Youth Sports Program. The information is needed for the purpose of evaluating activities proposed for funding by applicants. The information comprises the application by eligible applicants who compete for funding under this program.

Form Number: None.

Respondents: Public Housing Agencies (PHAs), and Indian Housing Authorities (IHAs).

Frequency of Submission: One time.

Reporting Burden:

Section of NOFA affected	[1]
Number of respondents	500
Number of respondents per response	1
Total annual responses	500
Hours per response	24
Total hours	12,000

[1] III (entire).

Note: Total annual reporting burden, 12,000.

Total Estimated Burden Hours: 12,000.

Status: New request.

Contact: Julie Fagan, HUD, (202) 708–1197; Wendy Sherwin Swire, OMB, (202) 395–6880.

Dated: August 14, 1991.

Supporting Statement for Information Collection—Notice of Fund Availability for the Public and Indian Housing Youth Sports Program

A. Justification

1. This new information collection is required in connection with HUD's issuance of a Notice of Fund Availability that will announce the availability of $7,500,000 in grant funds for the Youth Sports Program (YSP) to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian Housing developments. This Program is authorized by section 520 of the National Affordable Housing Act (NAHA), approved November 28, 1990, Public Law 101–625 (appropriate section attached). Implementing regulations for the Program are being proposed by HUD and will be promulgated through regular notice and comment rulemaking. The requirements of this Notice of Fund Availability will provide guidance for applicants for this year's funding while the rulemaking is pending.

Public Housing Agencies (PHAs) and Indian Housing Authorities (IAHs) can apply for funding for this Program in FY 1991. Grant funds may be used for the following eligible activities: to assist in carrying out sports, cultural, recreational, educational or other activities for youth by acquisition, construction, or rehabilitation of community centers, parks, or playgrounds; redesigning or modifying public spaces in public or Indian housing developments to provide increased utilization of areas by youth sports activities; constructing sports facilities on public or Indian housing property to implement youth sports activities; provision of public services, including salaries and expenses for staff of youth sports programs, cultural activities, educational program relating to drug abuse, and sports and recreation equipment; youth leadership skills training for program participants; cost of the initial purchase of sports and recreation equipment to be used by program participants; and cultural and recreational activities, such as ethnic heritage classes, and art, dance, drama and music appreciation and instruction programs.

The Notice of Fund Availability imposes information collection requirements as follows:

Section III. Checklist of Application Submission Requirements (entirety): Applicants must submit Standard Grant Application Form SF–424 and SF–424A with narrative showing breakdown by program and cost; workplan detailing a timeline, tasks, and budget for implementing activities for which funding is sought; certification that the applicant will supplement the amount provided by a grant under this program with an amount of funds from non-federal sources equal to or greater than 50 percent of the grant amount; certification that the activities or facilities funded by the Youth Sports grant will serve primarily youth from public or Indian housing developments and conform to all applicable local or tribal requirements; certification that applicant will maintain a drug-free workplace; certification and disclosure that grant funds cannot be used for lobbying; budget describing share of costs of the applicant's youth sports activities with sources and amount of funds or other resources noted separately; statement regarding the extent to which the applicant's proposed activities meet the selection criteria; plan for addressing the problem of drug-related crime of the housing developments proposed for funding and current plan as prepared for drug elimination program grant including assessment of problem objective data, drug-related crime data, strategy to address the problem; description of the nature of services to be provided by the applicant's proposed Youth Sports Program including planned schedule and activities of the Program and the financial and other resources committed to each activity and service (hours of operation, number of youth involved); description of the facilities used; description of the organization of the youth sports program; description of the extent of involvement of local sports organizations or sports figures; description of plans to continue youth sports activities in the future; and description of future sources of funding, resources, and additional partnerships established by the applicant to continue the operation of youth sports activities and facilities including documentation of the commitment of entities.

2. Information provided by the applicant will be reviewed by HUD and evaluated against rating criteria for possible grant funding. HUD will review and determine the feasibility and effectiveness of the applicant's application to meet the objective of the Youth Sports Program. Applicants will be notified of their selection/rejection. If the information were not collected, there

would be no guarantee that the Sports Program would be effective nor could they be held fully accountable for using the funds for eligible activities.

3. We have not considered the use of improved technology since there is no other way to get the information except directly for the applicant.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for use for the purpose described in 2.

6.We attempted to minimize the burden on the applicant by using standard forms and by leaving the exact format (narrative/description) of the information requirements up to the applicants.

7. The information cannot be collected less frequently.

8. There are no special circumstances that require the collection to be conducted in a manner which is inconsistent with the guidelines in 5 CFR 1320.6.

9. There has been no outside consultation on this information collection.

10. No assurances of confidentiality is provided.

11. No sensitive questions are asked.

12. We do not estimate that there will be any additional cost to the Federal Government. The applications will be reviewed in accordance with HUD's existing review and monitoring requirements. Annual cost to the respondent is estimated to be minimal since the application submission may be prepared by the Public Housing Agencies and Indian Housing Authorities.

13. We estimate that the information requirements of the NOFA will have the following reporting burden:

Section of NOFA affected	(1)
Number of respondents	500
Number of respondents per response	1
Total annual responses	500
Hours per response	24
Total hours	12,000

[1]III (entirety).
Note: Total burden, 12,000.

14. Not applicable.

15. This collection of this information will not be published for statistical use.

The following is an excerpt from an as-yet unpublished Notice of Funding Availability (NOFA) for the FY 1991 Youth Sports Program. The NOFA will announce HUD's FY 1991 funding of $7,500,000 for the Youth Sports Program (YSP) to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian housing projects. The NOFA will contain information concerning the purpose of the program, applicant eligibility, available amounts, selection criteria, and application processing, including how to apply and how selections will be made. The purpose of publishing the following excerpt from the NOFA is to inform the public of the information collection requirements that will be contained in the NOFA.

Excerpts From the Unpublished Public and Indian Housing Youth Sports Program Notice of Funding Availability—FY 1991

III. Checklist of Application Submission Requirements

(a) Each application for a grant under this program must include the following:

(1) Standard Grant Application Forms SF–424 and SF–424A with narrative showing breakdown by program and cost, to include all equipment.

(2) The following certifications, executed by the CEO of the applicant:

(i) A certification that the applicant will supplement the amount provided by a grant under this program with an amount of funds from non-federal sources equal to or greater than 50 percent of the amount provided by the grant;

(ii) A certification that the activities or facilities funded by the Youth Sports grant will serve primarily youth from the public or Indian housing projects in which the activities or facilities are operated;

(iii) A certification that facilities receiving Youth Sports funding comply with any applicable local or tribal building requirements for recreational facilities;

(iv) A certification that the applicant will maintain a drug-free workplace in accordance with the requirements of the Drug-Free Workplace Act of 1988, 24 CFR part 24, subpart F (Applicants may submit a copy of their most recent drug-free workplace certification, which must be dated within the past year.);

(v) A certification and disclosure in accordance with the requirements of section 319 of the Department of the Interior Appropriations Act (Pub. L. 101–121, approved October 23, 1989), as implemented in HUD's interim final rule published in the **Federal Register** on February 26, 1990 (55 FR 6736) (This statute generally prohibits recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan.);

(vi) A certification that grant funds provided under this program and any State, tribal, or local funds used to supplement grant funds under this program will not be used to replace other public funds previously used, or designated for use, for the purpose of this program.

(vii) A certification that the applicant has assessed its potential liability arising out of Youth Sports activities, has considered any limitations on liability under State, local or tribal law, and that, upon being notified of a Youth Sports grant award, the applicant will obtain adequate insurance coverage to protect itself against any potential liability arising out of the eligible activities under this program.

(viii) A certification that the applicant will comply with title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.

(3) A description of the nature of the services to be provided by the applicant's proposed Youth Sports Program, including an explanation of the way in which the activities or facilities proposed for funding address the particular needs of the area to be served by the program.

(4) A workplan with a task timeline providing an implementation schedule for the Youth Sports activities.

(5) A budget describing the financial and other resources committed to each activity and service of the program. The budget must identify the share of the costs of the applicant's Youth Sports activities provided by a grant under this program and the share of the costs provided from other sources of funds (e.g. local or tribal government, corporations, individuals) including funds from non-Federal sources.

(6) A statement regarding the extent to which the applicant's proposed Youth Sports activities meet the selection criteria in section I.(d), above.

(7) A plan designed to eliminate drugs and drug-related problems on the premises of the housing projects proposed for funding. Applicants are given a choice to satisfy this requirement in one of two ways. First, an applicant may submit a current-year plan prepared for the housing projects in accordance with 24 CFR 961.15 as a part of a Drug Elimination Program grant. In this case, the applicant must indicate how its proposed Youth Sports activities will be operated as, in conjunction with, or in furtherance of the 961.15 plan. The other choice is that an applicant may

submit an abbreviated plan prepared for this NOFA as follows:

(i) The plan must describe the drug-related problems in the projects that are proposed for funding under this program, using:

(A) Objective data, if available, from the local police precinct or the PHA's or IHA's records on the types, number and sources of drug-related crime in the projects proposed for assistance. If crime statistics are not available at the project or percent level, the applicant may use other reliable, objective data including those derived from the records of Resident Management Corporations (RMCs), Resident Corporations (RCs), or other resident associations. The data should cover the past one-year period and, to the extent feasible, should indicate whether these data reflect a percentage increase or decrease in drug-related crime over the several years.

(B) Information from other sources which have a direct bearing on drug-related problems in the projects proposed for assistance. Examples of these data are: Resident/staff surveys on drug-related issues or on-site reviews to determine drug activity; vandalism costs and related vacancies attributable to drug-related crime; information from schools, health service providers, residents and police.

(ii) The plan must include a narrative discussion of the applicant's current activities, if any, to eliminate drug-related problems in the targeted projects. Any efforts being undertaken by community and governmental entities, residents of the project, Resident Management Corporations (RMCs) Resident Corporations, (RCs), other resident associations, or any other entities to address the drug-related problems in the projects proposed for assistance must be described. The applicant must also indicate how its proposed Youth Sports activities will be operated as, in conjunction with, or in furtherance of the other activities described in the plan.

(8) An estimate of the number of youth involved.

(i) The applicant must provide the total estimated number of youth involved for each proposed activity and participating in youth leadership assignments (for example, team managers, assistant managers, team captains) computed on an annual and, if applicable, a session or seasonal basis (for example, classes or league sports may be organized in sessions or seasons that run for a certain number of weeks or months, or more activities may take place and more youth may be involved on weekends than on weekdays).

(ii) The total estimated number given for each activity must be further broken down by categories of age (e.g., 5–8 years old, 9–12 years old, etc.), sex (male, female, co-ed), and residency in public or Indian housing.

(9) A description of the facilities used.

(i) Facilities to be used for Youth Sports activities must be described in the application with regard to their dimensions, location, and the number of youth that can be accommodated at one time.

(A) In the case of an Indian housing project, if a facility to be acquired, constructed, or rehabilitated is not located on or immediately adjacent to the premises of the project to be assisted, the application must specify how youth from the Indian housing project will have access to the facility (e.g., transportation will be provided, transportation service is readily available.)

(ii) Where applicable, the application must provide a detailed explanation of all facility acquisition, construction, rehabilitation, operation, redesign or modification proposed for funding under this program.

(A) The application must specify what percent of the facility will be used for youth activities (as opposed to, for example, senior citizen or adult activities). This percentage may not be less than the percentage of Youth Sports funding provided for the facility.

(iii) The application must identify the entity that will be responsible for the operation of any facility funded by a Youth Sports grant.

(10) A description of the organization of the applicant's proposed Youth Sports program, which must detail:

(i) The consultations entered into by the applicant with other entities experienced in the design and implementation of the type of proposed youth sports activities;

(ii) The resumes and position descriptions of the staff that will be responsible for managing and operating the Youth Sports activities must be included in the application; if volunteers are involved, their number, job descriptions, and hours per week of involvement must be included;

(iii) The procedures that will be followed to ensure that the Youth Sports activities or facilities will serve primarily youth from the public or Indian housing project in which the program to be assisted by a grant is operated must be explained in the application.

(11) A description of the extent of involvement of local sports organizations or sports figures.

(i) The applicant must provide documentation of the level of on-site or other participation by local and nationally affiliated sports organizations, except as provided in section (ii) below, with at least two years of organizational and operational experience. These may include, but are not limited to, strictly sports organizations, such as, Little Leagues, Midnight Basketball, or professional teams. Participation by cultural, recreational, or educational organizations is also permissible. The participation of these groups must be focused on the youth activities for which the application is prepared.

(ii) The applicant may demonstrate the involvement of local or national sports, cultural, recreational or educational figures, such as athletes, coaches, artists, entertainers and teachers in place of, or in addition to, the participation of organizations. The participation of these figures must be focused on the youth activities for which the application is prepared.

(12) A description of plans and resources to continue the Youth Sports activities beyond the grant term under this program, including the commitment of entities (e.g., local and tribal governments, corporations, community organizations) and individuals to continue their involvement in the applicant's Youth Sports activities and facilities.

[FR Doc. 91–19824 Filed 8–19–91; 8:45 am]
BILLING CODE 4210–33–M

Office of Policy Development and Research

[Docket No. N–91–3301]

Single-Family Tax and Insurance Mortgage Escrow Account Accounting Procedures

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of opening hearing.

SUMMARY: This hearing is being held under the authority of section 19(c)(1) of the Real Estate Settlement Procedures Act (RESPA, 12 U.S.C. 2601 et seq.) that authorizes the Secretary of Housing and Urban Development to hold hearings in furtherance of his responsibilities under such Act.

The purpose of this hearing is to receive the views of interested members of the public and the real estate industry

regarding accounting methods utilized for mortgage escrow accounts regulated by section 10 of RESPA. It is estimated that there are at least 28,000,000 such accounts outstanding for one to four family residential mortgages covered by section 10 of RESPA. Recently the accounting method most commonly used in computing such accounts (individual item analysis) has been questioned by the Attorneys General of several states and is the subject of several law suits.

The Assistant Secretary for Policy Development and Research of the U.S. Department of Housing and Urban Development testified at a hearing on May 17, 1991 before the U.S. Senate Committee on Government Affairs and indicated that the Department believed that individual item analysis was allowable under RESPA. He further indicated that the Department would explore this subject further and conduct additional research and inquiry. This open hearing is part of that inquiry.

DATE, TIME AND PLACE: Tuesday, September 10, 1991; 9 a.m. to 2 p.m.; at the National Capital Regional Office of the General Services Administration (GSA) Auditorium, 7th and D Streets SW., Washington, DC 20407.

PUBLIC PARTICIPATION: Any member of the public or of the industry who wishes to participate in person in this hearing must submit his/her name to the contact person listed below 10 days before the date of the hearing. Written comments or materials will be received, whether or not the commenter participates in the hearing. However, if a commenter wishes to have comments distributed at the meeting, whether or not he/she appears, 50 copies must be submitted to the contact person listed below 5 days before the date of the hearing. It is anticipated that each participant will be allowed a 10 minute oral presentation. Following all presentations, an open session or roundtable discussion will be held if time permits.

FOR FURTHER INFORMATION CONTACT: Jerome Smith, Office of Policy Development and Research, room 8210, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone number (202) 708–1060. (This is not a toll-free number.)

Dated: August 12, 1991.

Thomas M. Humbert,

Acting Assistant Secretary, Policy Development and Research.

[FR Doc. 19–19823 Filed 8–19–91; 8:45 am]

BILLING CODE 4210–01–M

Office of the General Counsel

[Docket No. D–91–941; FR–3097–D–02]

Redelegation of Authority under the Fair Housing Act

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the General Counsel is redelegating certain authority with regard to the processing of fair housing complaints to the ten Regional Counsel.

EFFECTIVE DATE: August 12, 1991.

FOR FURTHER INFORMATION CONTACT: Jonathan Strong, Fair Housing Division, Office of the General Counsel, room 9238, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 708–2341. The TDD number for hearing impaired persons is (202) 619–8005. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: 24 CFR part 103 contains the Department's regulations governing the processing of complaints filed under the Fair Housing Act. By notice of redelegation published in the **Federal Register** on January 12, 1990 at 55 FR 1286, the General Counsel delegated to the Associate General Counsel for Equal Opportunity and Administrative Law and the Assistant General Counsel for General Law (now the Assistant General Counsel for Fair Housing) the authority to take certain actions including the authority under 24 CFR 103.410(d) to notify and authorize the Attorney General at the Department of Justice (DOJ) to commence and maintain a civil action on behalf of an aggrieved person seeking relief under section 812(o) of the Fair Housing Act. By redelegation, published in the **Federal Register** on January 25, 1991 at 56 FR 2931, the General Counsel delegated to the Regional Counsel of the 10 HUD regions, authority under 24 CFR 103.400 to issue reasonable cause determinations and charges (24 CFR 103.400(a)(2)(i)); and to issue no reasonable cause determinations and dismissals (24 CFR 103.400(a)(2)(ii)). The redelegation did not include authority to take such actions with regard to cases found by the General Counsel to involve complex facts or novel issues of law, or the legality of local zoning or land use laws or ordinances.

In this notice of redelegation, the General Counsel is redelegating to the Regional Counsel for the ten HUD regions, the authority under 24 CFR 103.410(d) to notify and authorize the Attorney General at DOJ to commence and maintain a civil action on behalf of an aggrieved person seeking relief under section 812(o) of the Fair Housing Act. This redelegation does not include authority to take such actions with regard to cases found by the General Counsel to involve complex facts or novel issues of law, or the legality of local zoning or land use laws or ordinances.

Accordingly, the General Counsel redelegates the following authority:

Section A—Authority Redelegated

(1) The General Counsel redelegates to the ten Regional Counsel, the authority under 24 CFR 103.410(d) to notify and authorize the Attorney General at DOJ to commence and maintain a civil action on behalf of an aggrieved person seeking relief under section 812(o) of the Fair Housing Act.

(2) The Regional Counsel may not redelegate the authority granted to them under this redelegation.

Section B—Authority Excepted

This redelegation does not include authority to act in cases found by the General Counsel to involve complex facts or novel issues of law, or the legality of local zoning or land use laws or ordinances.

Authority: 42 U.S.C. 3600–3619; 42 U.S.C. 3535(d).

Dated: August 12, 1991.

C.H. Albright, Jr.,

Principal Deputy General Counsel.

[FR Doc. 91–19822 Filed 8–19–91; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–01–4760–13]

Emergency Closure of Access Road to the Holloman Lake Wildlife Observation Area in Otero County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: Notice is hereby given that effective immediately, all vehicle use, except for Bureau of Land Management Law Enforcement, International Technologies and Military vehicles is prohibited on approximately 1¼ miles of the access road immediately north from U.S. Highway 70 to the Holloman Lake Wildlife Observation Area. The road is located in T. 17 S., R. 8 E., section 28 NE¼SE¼; SE¼NE¼; section

22, SW¼SW¼ NW¼SW¼ originating from U.S. Highway 70.

The purpose of this closure is to prevent public contact with a unknown liquid, disposed of in three, white plastic, 55–gallon drums and to allow for an Emergency Response Contractor to sample liquid contained in the drums to determine if hazardous materials are present. The authority for this closure is 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Richard T. Watts at the Bureau of Land Management, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005 or at (505) 525–8228.

Dated: August 13, 1991.

Josie Banegas,

Acting District Manager.

[FR Doc. 91–19845 Filed 8–19–91; 8:45 am]

BILLING CODE 4310–FB–M

[NM–030–01–4333–14]

Emergency Closure of Aguirre Spring Campground and Dripping Springs Trail in Dona Ana County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: Notice is hereby given that effective immediately, all vehicle and public use, except for Bureau of Land Management (BLM) and authorized contractor vehicles and personnel is prohibited at the entrance to Aguirre Spring Campground off of U.S. Highway 70, in T. 22 S., R. 4 E., section 20 and at the entrance to Dripping Springs Trail in T. 23 S., R. 3 E., section 12.

The purpose of this closure is to allow the BLM an opportunity to assess flood damage and rectify, through construction and maintenance, public health and safety problems. The authority for this closure is 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Scott Florence at the Bureau of Land Management, Las Cruces District, 1800 Marquess, Las Cruces, New Mexico 88005 or at (505) 525-8228.

Dated: August 14, 1991.

Robert R. Calkins,

Acting District Manager.

[FR Doc. 91–19846 Filed 8–19–91; 8:45 am]

BILLING CODE 4310–FB–M

Salmon District Advisory Council: Meeting

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Advisory Council.

DATES: The meeting will be held Wednesday, September 11, 1991, at 10 a.m.

ADDRESSES: The meeting will be held at Amy Lou's Steakhouse, Highway 93, in Mackay, Idaho.

SUPPLEMENTARY INFORMATION: The meeting is held in accordance with Public Laws 92–463 and 94–579. The purpose for the meeting is to discuss the Wild Horse Adoption Program, the status of the Challis area Resource Management Plan, and current Salmon District issues.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11 a.m. and 11.30 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by September 6, 1991.

Summary minutes to the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting. Notification of oral statements and requests for summary minutes should be sent to Roy S. Jackson, District Manager, Salmon District BLM, Box 430, Salmon, Idaho 83467.

Dated: August 8, 1991.

Tamara Power,

Acting District Manager.

[FR Doc. 91–19861 Filed 8–19–91; 8:45 am]

BILLING CODE 4310–66–M

[NM–030–01–4212–11; NMNM 82711]

Recreation and Public Purpose Lease/ Conveyance, Otero County, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action; Recreation and Public Purpose (R&PP) Act Classification.

SUMMARY: The following public land in Otero County, New Mexico has been examined and found suitable for classification for lease/conveyance to Otero County for a rifle range under the provisions of the R&PP Act, as amended (43 U.S.C. 869 et seq.):

T. 15 S., R. 10 E., NMPM

Sec. 24: S½SW¼SW¼NE¼SW¼, S½S½ S½NW¼SW¼, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼. Containing 76.25 acres, more or less.

Otero County proposes to use the subject land for a rifle range. The proposed project is in conformance with the White Sands Resource Management Plan.

DATES: Comments on the proposed lease/conveyance or classification of public land must be submitted on or before October 4, 1991.

ADDRESSES: Comments should be sent to the Bureau of Land Management, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Bernie Creager at the address above or at (505) 525–8228.

SUPPLEMENTARY INFORMATION: The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. All valid existing rights of record.

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. A right-of-way for ditches and canals constructed by the authority of the United States.

4. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Upon publication of this Notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this Notice, interested persons may submit comments regarding the proposed lease/ conveyance or classification of the lands to the District Manager, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico, 88005. An adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification sill become effective 60 days from the date of publication of this Notice.

Dated: August 14, 1991.

Robert R. Calkins,

Acting District Manager.

[FR Doc. 91–19847 Filed 8–9–91; 8:45 am]

BILLING CODE 4310–FB–M

[NM–030–01–4410–08]

Availability of Draft Mimbres Resource Management Plan/Environmental Impact Statement (RMP/EIS)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and Public Workshops/Hearings.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Draft Mimbres RMP/EIS for public review and comment. This document identifies and analyzes land-use planning options for managing the 3,053,820 acres of public land and 4,126,780 acres of Federal mineral estate administered by the BLM's Mimbres Resource Area in Las Cruces District. The Mimbres Resource Area covers Dona Ana, Luna, Hidalgo, and Grant Counties in southwest New Mexico. The BLM also recommends designation of 23 new Areas of Critical Environmental Concern (ACECs) and the expansion of size or use limitations of four existing ACECs. Also, four blocks of public land are being considered in the RMP for possible wilderness designation and two segments of the Gila River are identified in the RMP for further study for possible wild, scenic, or recreational river designations.

DATES: Written comments on the Draft RMP/EIS must be postmarked on or before November 25, 1991. Public workshops (open houses) will be held September 17–19, 1991 and September 24–25, 1991, and public hearings will be held October 22–23, 1991 at the dates, times and locations listed under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Written comments should be sent to: Bureau of Land Management, RMP Team Leader, Mimbres Resource Area, 1800 Marques, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Tim Salt, Mimbres Area Manager or Scott Florence, RMP Team Leader at (505) 525–8228 or the address above.

SUPPLEMENTARY INFORMATION: Four alternatives for managing the public land in the Mimbres Resource Area are proposed in the Draft RMP/EIS. Each alternative discusses the following issues: .

1. Land Ownership Adjustments.
2. Areas of Critical Environmental Concern (ACECs) and Special Management Areas.
3. Vehicle Management.
4. Access.

In addition, nine management concerns were addressed for each alternative: rights-of-way; minerals; recreation; cultural/paleontological resources; wildlife habitat; soil, air, and water; vegetation; riparian and arroyo habitat; and special status species.

Alternative A, the Current Management Alternative, discusses a level of management the same as the current situation. This alternative is the No Action Alternative required by the National Environmental Policy Act (NEPA).

Alternative B, the Resource Preservation Alternative, places primary emphasis on preserving or improving important environmental values.

Alternative C, the Resource Production Alternative, places primary emphasis on making public land and resources available for use and economic development.

Alternative D, the Resource Conservation Alternative, is the Preferred Alternative. Conservation is defined as the wise use of resources. This alternative is designed to provide balanced management direction for a variety of resource uses by incorporating features of the other alternatives.

Areas for Wilderness Consideration

Federal lands have been recently consolidated through land exchanges, creating four blocks of public land in the Mimbres Resource Area that are now being considered in the RMP for possible wilderness designation. These areas are:

1. Apache Box (6,229 acres). This area extends from north of Apache Box Canyon southeast past Crookson Peak in western Grant County.
2. Gray Peak (15,878 acres). This area extends from Gray Peak to Post Office Canyon in the Peloncillo Mountains of southwestern Hidalgo County.
3. Organ Needles (7,604 acres). This area contains Sugarloaf Peak, the Organ Needles, and La Cueva in the Organ Mountains of eastern Dona Ana County.
4. Pena Blanca (4,441 acres). This area extends from Barr Canyon to Pena Blanca in the southern Organ Mountains of eastern Dona Ana County. An intensive inventory of wilderness values in these areas was completed in May of 1990 and Wilderness Inventory Reports are included in Appendix I of the Draft Mimbres RMP/EIS. The RMP proposes the four areas for study as possible wilderness and recommends actions to protect wilderness values until the study is completed. A separate legislative EIS will analyze wilderness suitability and alternatives for these four areas following completion of the Final Mimbres RMP.

Wild and Scenic River Studies

The Gila River from the Forest Service Boundary in the Burro Mountains to the New Mexico/Arizona state line has been inventoried for Wild, Scenic, and Recreational River values by the USDI Heritage Conservation and Recreation Service, the USDI National Park Service, and American Rivers. These preliminary inventories are summarized in Appendix J of the Draft Mimbres RMP/EIS. The RMP identifies two river segments as eligible for further study by the BLM for possible wild, scenic, or recreational river designations. A separate legislative EIS will analyze Wild and Scenic River suitability and alternatives for this portion of the Gila River following completion of the final Mimbres RMP.

Areas of Critical Environmental Concern

The potential ACECs which are evaluated in the Draft RMP/EIS are described below. Following the description of the values for which the area was nominated are the major use restrictions (alphabetical characters) which apply to the ACEC. The alphabetical characters are defined at the end of the ACEC discussion.

Potential ACECS Proposed for Designation in the Preferred Alternative

1. Aden Lava Flow (26,250 acres)—emphasis on biological, scenic, geological, and research values. Major use restrictions include: A, C, D, E, H, O.
2. Alamo Hueco Mountains (16, 260 acres)—emphasis on biological, scenic, cultural, paleontological, and special status species values. Major use restrictions include: A, C, D, E, H, I, J, K, N.
3. Antelope Pass (8,710 acres)—emphasis on biological and special status species values. Major use restrictions include: A, C, D, L, O.
4. Apache Box (2,630 acres)—emphasis on biological, scenic, cultural, special status species, and riparian values. Major use restrictions include: B, C, D, E, F, H, J, L, N, P.
5. Bear Creek (1,480 acres)—emphasize on riparian values. Major use restrictions include: B, C, D, E, M, O.
6. Big Hatchet Mountains (47,180 acres)—emphasis on biological, scenic, and special status species values. Major use restrictions include: A, C, D, E, H, I, J, K, L, N.
7. Box Canyon (600 acres)—emphasis on biological values. Major use restrictions include: B, C, D, E, O, P.
8. Central Peloncillo Mountains (12,750 acres)—Currently 3,740 acres are designated as an ACEC. The area is proposed for expansion and increased use limitations. Emphasis on biological, scenic, research, and special status species values. Major use restrictions include: A, C, D, E, H, J, K, L, M, N.
9. Cooke's Range (23,160 acres)—Emphasis on biological, scenic, cultural, and historical values. Major use restrictions include: A, C, D, E, H, J, L, N.
10. Cowboy Spring (6,740 acres)—Emphasis on biological and special status species values. Major use restrictions include: A, C, D, E, J, L, O.
11. Dona Ana Mountains (1,490 acres)—Emphasis on biological, scenic, and cultural values. Major use restrictions include: A, C, D, E, N.

12. Florida Mountains (22,360 acres)—Emphasis on scenic values. Major use restrictions include: A, C, D, E, H, J, L, O.

13. Gila Lower Box (6,490 acres)—Currently 2,880 acres are designated as an ACEC. The area is proposed for expansion and increase use limitations. Emphasis on special status species and riparian values. Major use restrictions include: B, C, D, E, M, O.

14. Gila Middle Box (840 acres)—This is an existing ACEC and is not proposed for expansion. Increased use limitations are proposed. Emphasis on special status species and riparian values. Major use restrictions include: B, C, D, E, O.

15. Granite Gap (1,750 acres)—Emphasis on biological, scenic, and special status species values. Major use restrictions include: A, C, D, E, J, L, N.

16. Guadalupe Canyon (4,170 acres)—Emphasis on biological, special status species, and riparian values. Major use restrictions include: A, C, D, E, F, H, J, L, O.

17. Kilbourne Hole (5,480 acres)—Emphasis on geological values. Major use restrictions include: A, C, D, E, O, P.

18. Lordsburg Playa (4,510 acres)—Emphasis on biological values. Major use restrictions include: B, C, D, E, O.

19. Los Tules (20 acres)—Emphasis on cultural values. Major use restrictions include. B, C, D, G, O.

20. Northern Peloncillo Mountains (760 acres)—Emphasis on biological and special status species values. Major use restrictions include: A, C, D, E, J, L, O.

21. Old Town (320 acres)—Emphasis on cultural values. Major use restrictions include: B, C, D, E, M, O.

22. Organ/Franklin Mountains (56,480 acres)—Currently, 8,840 acres are designated as an ACEC. The area is proposed for expansion and increased use limitations. Emphasis on biological, scenic, cultural, special status species, and riparian values. Major use restrictions include: A, C, D, E, F, I, J, L, M (partially), N, O.

23. Paleozoic Trackways (720 acres)—Emphasis on paleontological values. Major use restrictions include: A, C, D, E, F, O.

24. Rincon (840 acres)—Emphasis on cultural values. Major use restrictions include: A, C, D, G, O.

25. Robledo Mountains (13,070 acres)—Emphasis on biological and scenic values. Major use restrictions include: A, C, D, E, K, L, N.

26. San Diego Mountain (640 acres)—Emphasis on cultural values. Major use restrictions include: A, C, D, E, O.

27. Uvas Valley (2,210 acres)—Emphasis on biological values. Major use restrictions include: B, C, D, E, H, O.

Potential ACECS not Proposed for Designation in the Preferred Alternative

1. Cedar Mountains (15,020 acres)—Emphasis on biological values. Major use restrictions include: A, C, D, E, L, M, O.

2. Las Uvas Mountains (11,150 acres)—Emphasis on scenic values. Major use restrictions include: A, C, D, E, J, K, L, N.

3. Tres Hermanas (960 acres)—Emphasis on biological values. Major use restrictions include: A, C, D, E, H, O.

4. Big Hatchet Mountains (67,960 acres)—Emphasis on biological, scenic, and special status species values. Major use restrictions include: A, C, D, E, I, J, K, L, M, N. (47,180 acres proposed for designation in the preferred alternative)

5. Kilbourne Hole (10,640 acres)—Emphasis on geological values. Major use restrictions include: A, C, D, E, O, P. (5,480 acres proposed for designation in the preferred alternative)

Key for Major Use Restrictions

A—Limit vehicle use to designated roads and trails.

B—Close to vehicle use.

C—Exclude authorizations for rights-of-way.

D—Close to mineral material sale.

E—Close to fluid mineral leasing.

F—Withdraw from locatable mineral entry.

G—Fluid leasing stipulations.

H—Develop grazing activity plan/revise existing allotment management plans(s).

I—Manage as Class II for air quality.

J—Exclude heavy equipment for fire suppression.

K—Exclude recreation facility development.

L—Allow natural fires to burn within prescribed conditions.

M—Exclude livestock grazing.

N—Manage as Visual Resource Management (VRM) Class I.

O—Manage as VRM Class II.

P—Establish safety/no shooting area.

Public workshops (open houses) will be held at the following times and locations:

Date	Time	City	Location
September 17, 1991	7 p.m.	Deming, NM	Morgan Hall, 109 E. Pine St.
September 18, 1991	7 p.m.	Lordsburg, NM	Civic Center, 313 E. 4th St.
September 19, 1991	7 p.m.	Silver City, NM	Public Safety Bldg. (Conf. Room), 1011 N. Hudson
September 24, 1991	7 p.m.	El Paso, TX	Rio Grande Council of Gov. (Conf. Room), 1014 N. Stanton (Old Hotel Dieu Hospital Bldg.)
September 25, 1991	7 p.m.	Las Cruces, NM	BLM Las Cruces District Office, 1800 Marquess St.

BLM staff who are familiar with the Draft RMP/EIS will be available at these workshops to answer questions and concerns.

Public hearings will be held at the following times and locations:

Date	Time	City	Location
October 22, 1991	7 p.m.	Las Cruces, NM	BLM Las Cruces District Office, 1800 Marquess St.
October, 23, 1991	7 p.m.	Lordsburg, NM	Civic Center, 313 E. 4th St.

The public hearings will be held to obtain public comment on the adequacy of the Draft RMP/EIS. During the hearings, oral comments will be limited to 10 minutes and should be accompanied with written text. Copies of the Draft RMP/EIS have been distributed to a mailing list of identified interested parties. Single copies of the Draft RMP/EIS may be obtained from the BLM Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico and BLM Rodeo Road Office, Branch of Planning and Environmental Coordination, 1474 Rodeo Road Santa Fe, New Mexico. Public reading copies are available for review at the BLM State Office, U.S. Federal Building, Santa Fe, New Mexico; public and university libraries in Las Cruces, Santa Fe, Albuquerque, and university libraries in Las Cruces, Santa Fe, Albuquerque, and Silver City, New Mexico, and El Paso Texas; and at

public libraries in Lordsburg and Deming, New Mexico.

Dated: August 14, 1991.

C.D. Sykes,

Acting District Manager.

[FR Doc. 91-19853 Filed 8-19-91; 8:45 am]

BILLING CODE 4310-FB-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 10, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by September 4, 1991.

Patrick Andrus,

Acting Chief of Registration, National Register.

CALIFORNIA

San Francisco County

Quarters 1, Yerba Buena Island, Naval Training Station, 1 Whiting Way, Yerba Buena Island, San Francisco, 91001380

FLORIDA

Jefferson County

Lloyd Historic District, Roughly, Main St. N of Bond St. and E. of Main, Lloyd, 91001374

HAWAII

Honolulu County

Opana Radar Site, Off Kamehameha Hwy. S. of Kawela Bay, Kawela, 91001379

MASSACHUSETTS

Franklin County

Ashfield Plain Historic District, Roughly, along Main and South Sts. and adjacent parts of Buckland and Norton Hill Rds., Ashfield, 91001373

MISSOURI

St. Louis Independent City

Fulton Bag Company Building, 612-618 S. Seventh St., St. Louis (Independent City), 91001372

NORTH CAROLINA

Harnett County

Ivy Burn, NC 217, E side 0.4 mi. S of jct with NC 2027, Linden vicinity, 91001377

Mecklenburg County

Nebel Knitting Mill, Former, 101 W. Worthington Ave., Charlotte, 91001376

Wake County

Johnson, J. Beale, House, 6321 Johnson Pond Rd., Fuquay-Varina vicinity, 91001375

OKLAHOMA

McIntosh County

Checotah MKT Depot, Paul Carr Dr., Checotah, 91001371

TENNESSEE

Fentress County

York, Alvin C., Agricultural Institute Historic District (Fentress County MPS), US 127 of jct. with TN 154, Jamestown, 91001378

WISCONSIN

Jefferson County

Carcajou Point Site (Boundary Increase), Address Restricted, Sumner, 91001370

[FR Doc. 91-19886 Filed 8-19-91; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development and Economic Cooperation; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the twenty-seventh meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) to be held on September 5, 1991, 9 a.m. to 5 p.m., at the Department of State, Main State Building in room 1408, at 2201 C Street NW., Washington, DC 20523.

The general purpose of the Meeting is to obtain input from the members to formulate recommendations for a revised role and mode of operation for JCARD that will relate to the new directions of the Agency for International Development and to BIFADEC's expanded responsibilities of reaching a broader spectrum in the University Community for utilizing their resources in AID's development assistance programs. To reach these objectives, the participants will be urged to offer ideas in a dialogue that will: (1) Review and make recommendations for revising the structure and role of the committee to meet requirements of the revised charter of BIFADEC; (2) explore future agendas for JCARD, its size and operational mode to fill needs created by the new directions of AID and to the expansion of the advisory responsibilities of the former BIFAD, including non-agricultural activities (such as, non-agricultural education, population, health, etc.); (3) focus on the impact of new demands placed on the Agency for International Development (AID) by the dramatic political and economic reforms toward free markets and democratization that are sweeping across Eastern Europe and the Soviet Union, influencing AID's traditional recepient countries; (4) review plans and programs of the Agency's University Center and its relationship with BIFADEC and restructured AID; (5) look at progress of planning activities for the Sustainable Agricultural Collaborative Research Support Program SACRSP and related activities within BIFADEC's advisory jurisdiction; (6) consider possible new modes of meeting development assistance needs through creative involvement of the U.S. universities; and (7) meet the new leadership in the restructured management and technical offices of AID.

This Meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent that time available for the meeting permits.

The Bureau for Diplomatic Security has implemented new procedures for entry into the Department of State building. All persons, visitors and employees, are required to wear proper identification at all times while in the building.

Please let the BIFAD Staff know (at tel. no. 202 663-2583) that you expect to attend the meeting and on which days. Provide your full name, name of employing company or organization, address and telephone number not later than Friday, August 30, 1991. This will help you avoid waiting in line for a visitor's pass.

A BIFADEC staff member will meet you at the Department of State Diplomatic entrance at 21st and C Streets with your visitor's pass.

Visitors who are not pre-cleared will have to wait in line and present a valid identification with photograph to the receptionist before they will be admitted to the building.

Mr. William Frederick Johnson, BIFADEC Support Staff, is the designated AID Advisory Committee Representative at the meeting. It is suggested that those wanting further information write him in care of the Agency for International Development, BIFADEC Support Staff, SA-2, room 600, Washington, DC 20523-0219 or telephone him at (202) 663-2574.

Dated: August 15, 1991.

William F. Johnson,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Research and Development, Board for International Food and Agricultural Development and Economic Cooperation.

[FR Doc. 91-19908 Filed 8-19-91; 8:45 am]

BILLING CODE 6116-71-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 392X)]

CSX Transportation Inc.—Abandonment Exemption—In Pike Co., KY

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt* Abandonments to abandon its 8.1-mile line of railroad between milepost 0.00, at Marrowbone Junction, and the end of the line at milepost 8.1, near Hellier, in Pike County, KY.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 39 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 20, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 3, 1991.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by September 10, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Karen Anne Koster, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 26, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Enviornmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 14, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-19912 Filed 8-19-91; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 393X)]

CSX Transportation, Inc.—Abandonment and Trackage Rights Exemption—In Kent County, MI; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments and Discontinuances to abandon its 1.07-mile line of railroad between milepost 0.00, near Market Avenue, and milepost 1.07, near Hall Street, and to discontinue trackage rights over a 0.57-mile line of Consolidated Rail Corporation between valuation stations 32+09 and 62+32, near Hall Street, in Grand Rapids, Kent County, MI.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment and discontinuance of trackage rights shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 19, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by August 30, 1991.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by September 9, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines,* 5 I.C.C. 2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan., Assist.,* 4 I.C.C 2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).*

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

A copy of any petition filed with the Commission should be sent to applicant's representative: Karen Anne Koster, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ad initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment and discontinuance of trackage rights.

The section of Energy and Environment (SEE) will issue the EA by August 23, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, there appropriate, in a subsequent decision.

Decided: August 9, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–19909 Filed 8–19–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 390X)]

CSX Transportation, Inc.—Abandonment Exemption—In Logan County, WV

Applicant has filed a notice of exemption under 49 CFR 1152, subpart F—Exempt Abandonments to abandon its 3.06-mile line of railroad between milepost 0.0, at Right Fork Junction, and the end of the line at milepost 3.06, in Logan County, WV.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 19, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by August 30, 1991.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by September 9, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Karen Anne Koster, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 23, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 9, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–19910 Filed 8–19–91; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 391X)]

CSX Transportation, Inc.—Abandonmnet Exemption—In Pik County, KY

Applicant has filed a notice of exemption under 49 CFR 1152, subpart F—*Exempt Abandonments* to abandon its 2.67-mile line of railroad between milepost 1.43, at Dunleary Junction, and milepost 4.10, at Mikegrady, in Pike County, KY.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 19, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to

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[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines; 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

[1] A stay will be routinely issued by the commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in

Continued

file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by August 30, 1991.[3] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by September 9, 1991, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Karen Anne Koster, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 23, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed where appropriate, in a subsequent decision.

Decided: August 9, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–19911 Filed 8–19–91; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data for Use By Snavely, King & Associates, Inc.; For an Unnamed Class I Railroad

The Commission has received a request from Snavely, King & Associates, Inc. for permission to use certain data from the Commission's 1988, 89, and 90 ICC Waybill Samples.

A copy of the request (WB651—7/31/91) may be obtained from the ICC Office of Economics.

The Waybill Sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data [Ex Parte No. 385 (Sub-No. 2)] are codified at 49 CFR 1244.8.

Contact: James A. Nash (202) 275-6864.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–19913 Filed 8–19–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–25, 652]

Pioneer Industrial Products Attica, OH; Negative Determination Regarding Application for Reconsideration

By an application dated July 19, 1991, Local 804 of the United Rubber Workers (URW) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on June 5, 1991 and published in the **Federal Register** on June 21, 1991 (56 FR 28577).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that gloves transferred from the Attica plant to the Willard plant were replaced with imports from the company's overseas plants. Workers at Willard plants No. 1 and No. 3 were for trade adjustment assistance under TA–W–25,217 and TA–W–25,217A, respectively.

Investigation findings show that the Attica plant produces primarily neoprene gloves (heat resistant industrial gloves) while the Willard plants No. 1 and No. 3 produce nitrile gloves (acid resistant industrial gloves) and glove liners, respectively.

The certifications for the Willard plants TA–W–25,217 and TA–W–25,217A were based on company imports of nitrile gloves and glove liners. Although the Attica plant was the recipient of a transfer of production in 1989 of a supported nitrile glove (AK–22) from the Willard plant, that production was returned to Willard in 1990. The company did not import the AK–22 nitrile glove. A domestic transfer of production would not form a basis for a worker group certification.

Other findings show that production and employment at Attica increased in the first seven months of 1991 compared to the same period in 1990.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 9th day of August 1991.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91–19875 Filed 8–19–91; 8:45 am]

BILLING CODE 4510–30–M

National Advisory Commission on Work-Based Learning; Open Meeting

SUMMARY: The National Advisory Commission on Work-Based Learning was established in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) on December 14, 1990, 55 FR 53063 (December 26, 1990). The Commission has broad responsibility to advise the Secretary of Labor on ways to increase the skill levels of the American work force and expand access to work-based learning. The Commission will focus on three main areas: developing and expanding private and public work-based learning systems; improving the quality of work-based learning by exploring the development of a voluntary, national system of industry-based skill certification for individuals and accrediting the quality of work-based learning programs; increasing opportunities for employees to make full use of their knowledge and skills in the workplace.

TIME AND PLACE: The meeting will be held on September 17, 1991 from 9 a.m. until 4:30 p.m. in the Grand Ballroom of the J.W. Marriott, 1331 Pennsylvania Avenue NW., Washington, DC 20004.

AGENDA: The agenda for the meeting is as follows:

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order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

1. Call to Order and Introductory Remarks
2. Remarks by Secretary of Labor Lynn Martin
3. Report on Roundtable Discussions:
—High Performance Work In Manufacturing
—High Performance Work in Service Industries
—Upgrading Skills
—Skill Certification/Accreditation
4. Presentation of Proposed Action Steps
5. Discussion of Action Steps
6. Next Steps for the Commission
7. Public Comment

The meeting will be open to the public; thirty minutes will be set aside for public comments. Seating will be available for the public on a first-come, first-served basis. Seating will be reserved for the media. Handicapped individuals wishing to attend should contact the Office of Work-Based Learning in advance, so that staff can make appropriate accommodations. Individuals or organizations wishing to submit written statements should send 5 copies to Peter Carlson, Managing Director, National Advisory Commission on Work-Based Learning, FPB N4649, 200 Constitution Avenue NW., Washington, DC 20210, by September 10, 1991.

FOR FURTHER INFORMATION CONTACT: Peter Carlson, Managing Director, National Advisory Commission on Work-Based Learning, FPB N4649, 200 Constitution Avenue NW., Washington, DC 20210; tel. (202) 535–0540.

Signed at Washington, DC this 14th day of August, 1991.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 91–19874 Filed 8–19–91; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures; Meeting

The Subcommittee on Planning and Procedures will hold a meeting on September 4, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 4, 1991—5:30 p.m. until the conclusion of business.

The Subcommittee will discuss the NRC reactions to ACRS reports during the past two years and the bases for these reactions, other administrative and procedural matters, as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by those persons recognized by the Chairman. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 14, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91–19888 Filed 8–19–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Advanced Pressurized Water Reactors; Meeting

The Subcommittee on Advanced Pressurized Water Reactors will hold a meeting on September 4, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 4, 1991—8:30 a.m. until the conclusion of business.

The Subcommittee will continue its review of the CE System 80+ Standard Plant with a detailed look at the NUPLEX 80+ Advanced Instrumentation and Control System design and the Probabilistic Risk Assessment as applied to this new design.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript it being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Combustion Engineering, NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Thomas S. Rotella (telephone 301/492–8972) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 14, 1991.

Gary R. Quittschreiber,

Chief, Nuclear Reactors Branch.

[FR Doc. 91–19889 Filed 8–19–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Regulatory Policies and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on September 3, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, September 3, 1991—1 p.m. until the conclusion of business.

The Subcommittee will continue its review of the resolution of comments and the final NRC staff recommendations on the Regulatory Impact Survey as discussed in SECY-91-172.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairmen's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Gary Quittschreiber (telephone 301/492-9518) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 14, 1991.

Richard Savio,

Assistant Executive Director for Nuclear Reactors and Nuclear Waste.

[FR Doc. 91-19890 Filed 8-19-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., Oglethorpe Power Corp., Municipal Electric Authority of Georgia, City of Dalton, GA, Vogtle Electric Generating Plant Unit Nos. 1 and 2; Denial of Amendment Request to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Georgia Power Company, et al. (licensee) an amendment to Facility Operating License No. FPF-68 and Facility Operating License No. NPF-81 issued to the licensee for operation of the Vogtle Electric Generating Plant, Unit Nos. 1 and 2, located in Burke County, Georgia. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on May 29, 1991 (56 FR 24211).

The purpose of the licensee's amendment request was to revise Technical Specification 3.6.4.1, "Leakage Detection Systems," to add an additional action statement to address the case where less than two of the required leakage detection systems are operable.

The licensee concluded this change was needed after the event discussed in LER 50-425/1990-006 dated May 29, 1990, which states the licensee believes it was not clear to the operators whether the shutdown requirement of TS 3.4.6.1 or TS 3.0.3 applied. The shutdown requirement of TS 3.4.6.1 refers to that portion of the Action Statement that states "* * * otherwise, be in at least HOT STANDBY within the next 6 hours and in COLD SHUTDOWN within the following 30 hours." Moreover, the licensee concluded the change was needed to prevent future confusion and eliminate the need for a TS interpretation.

The NRC staff has reviewed the licensee's request and finds insufficient basis for confusion. TS 3.0.3 is explicit in that it applies when a Limiting Condition for Operation is not met, "except as provided in the associated ACTION requirements * * *." The event discussed in the LER was, in fact, addressed in the associated Action requirements by the "otherwise" portion of TS 3.4.6.1. Thus, the event was clearly governed by the shutdown requirement explicitly stated in the Action Statement of TS 3.4.6.1, and there was no requirement to enter TS 3.0.3.

The NRC staff finds that numerous plant TSs, including the Westinghouse Standard TSs, have the same TS requirement as Vogtle's. The NRC is unaware of any other plants which have experienced difficulty understanding the Action Statement of TS 3.4.6.1.

Accordingly, the NRC staff concluded that the proposed change was unnecessary and did not warrant further expenditure of staff resources associated with the processing of licensing amendments. Therefore, the amendment request was denied.

The licensee was notified of the Commission's denial of the proposed TS change by a letter dated August 13, 1991.

By September 19, 1991, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Arthur H. Domby, Troutman, Sanders, Lockerman and Ashmore, Candler Building, suite 1400, 127 Peachtree Street, NE., Atlanta, Georgia 30043, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 28, 1990, and (2) the Commission's letter to the licensee dated August 13, 1991.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this August 13, 1991.

For the Nuclear Regulatory Commission

Darl S. Hood,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91-19892 Filed 8-19-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333, License No. DPR-59 EA 91-053]

New York Power Authority FitzPatrick; Modification of Order Modifying License (Effective Immediately)

I

New York Power Authority (Licensee) is the holder of Facility Operating License No. DPR-59, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 50. The License authorizes the operation of the FitzPatrick facility in Scriba, New

York, in accordance with the conditions specified therein.

II

On May 2, 1991, an Order Modifying License (Effective Immediately) was issued to the Licensee to prohibit participation by a licensed Senior Reactor Operator, David M. Manning, in part 50 licensed activities without the prior written approval of the NRC Regional Administrator, Region I.

The Licensee responded to this Order on May 31, 1991, by requesting that the NRC reconsider the matter and rescind this Order. To support this request, the Licensee asserted that the decision as to who is fit to work at the FitzPatrick plant is properly the management responsibility of the Licensee and that the facts and law do not support issuance of this Order.

Stating that the rehabilitation of the employee is one of the objectives of 10 CFR part 26, the Licensee asserted that reinstatement to duties is part of rehabilitation and that this Order had usurped the Licensee's authority in that decision. The Licensee further stated that decisions concerning reliability and trustworthiness have traditionally been the responsibility of management and that the NRC has recognized a licensee's competence to make these determinations. Therefore, the Licensee argued that there is no basis for the NRC to overturn the Licensee's decision to reinstate Mr. Manning's grant of unescorted access.

The Licensee argued that Mr. Manning's untrustworthiness was symptomatic of the substance abuse problem for which he underwent treatment and concluded that "in the absence of a substance abuse problem * * * there is no reason to assume that Mr. Manning would attempt to cheat in a random drug test, misrepresent a drug habit on a Certificate of Medical History, or otherwise attempt to deceive the NRC or fail to comply with NRC requirements", adding, "[t]he Authority [Licensee] believes that the successful rehabilitation of Mr. Manning * * * eradicated the substance abuse problem, including the deceit that accompanied it."

In conclusion, the Licensee stated that this Order defeats the entire purpose of an otherwise successful rehabilitation, stating that there was "ample basis to conclude that Mr. Manning was rehabilitated."

III

The Staff has carefully reviewed the Licensee's response and the arguments made in it and consulted a medical expert in the field of drug rehabilitation. The Staff agrees that denial, including attempts to conceal use of illegal drugs, may be a symptom of the drug use itself, and that reinstatement to productive work is an important step in the process of rehabilitation.

However, the Staff does not agree, based on expert medical advice, that Mr. Manning's progress to date indicates that he is rehabilitated or that the symptoms that may be associated with drug use, including denial, have been completely eradicated. Rehabilitation requires long-term abstinence accompanied by counseling and participation in support groups, among other measures. Since Mr. Manning's efforts to date, however successful, represent only detoxification and short-term abstinence, the Staff is not prepared to conclude that he is rehabilitated and to permit his return to part 55 licensed duties. The Staff has determined, for the reasons set forth in the initial Order and in Licensee's answer that Mr. Manning may perform part 50 licensed activities only if he can provide continuing assurance that he has not returned to using drugs.

Therefore, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act or 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR part 50, *The Order of May 2, 1991 is Hereby Modified to Require That:*

(1) The provisions of the Order Modifying License (Effective Immediately) issued on May 2, 1991, 56 FR 22022 (May 15, 1991), directing that David M. Manning be removed from 10 CFR part 50 licensed activities, are modified to allow Mr. Manning to be returned to Part 50 activities provided Licensee complies with the following provisions:

(a) For three years from the date of Mr. Manning's return to part 50 licensed activities, the Licensee will conduct random drug tests of David M. Manning and observe the collection of urine samples provided by Mr. Manning in accordance with section 2.4(f) of Appendix A, 10 CFR part 26 and its established procedures. The period between each drug test must not exceed 90 days, with a new 90-day period beginning the day after a test is conducted;

(b) For three years from the date of Mr. Manning's return to part 50 licensed activities, the Licensee will conduct observed drug tests of Mr. Manning on the first day back from any unexcused or unanticipated absence of 24 hours or more, or after any scheduled absence of more than three calendar days;

(c) Licensee must notify the NRC Region I Regional Administrator of any positive result with 24 hours.

The Regional Administrator, NRC Region I, may relax or terminate these conditions for good cause shown.

V

In its answer to the May 2, 1991 Order Modifying License (Effective Immediately), the Licensee requested a hearing. In response, an Atomic Safety and Licensing Board was established and a proceeding is underway. Thus, in accordance with 10 CFR 2.717(b) and 2.718, any further answers by the parties shall be as directed by the presiding Licensing Board.

Dated at Rockville, Maryland this 9th day of August 1991.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research.

[FR Doc. 91-19891 Filed 8-19-91; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Commission Visit

August 14, 1991.

Commission Chairman George W. Haley, Vice Chairman Henry Folsom, Commissioner John W. Crutcher and Commissioner W.H. "Trey" LeBlanc, III, and members of the advisory staff will tour the facilities of Quad Graphics, Pewakee, Wisconsin on August 19 and Alden Press of Elk Grove, Illinois on August 20.

A report of the tour will be on file with the Commission Docket Room. For further information contact Gerald Cerasale at 202-789-6871.

Charles L. Clapp,

Secretary.

[FR Doc. 91-19844 Filed 8-19-91; 8:45 am]

BILLING CODE 7710-FW-M

POSTAL SERVICE

Intent To Prepare Environmental Impact Statement; Public Scoping Meetings

AGENCY: Postal Service.

ACTION: Notice of intent to prepare an environmental impact statement and to hold public scoping meetings.

SUMMARY: The U.S. Postal Service intends to prepare an Environmental Impact Statement and to hold Public Scoping Meetings, to address all

potential environmental, social, and economic issues that might be generated by the development of a General Mail Facility (GMF) and Vehicle Maintenance Facility (VMF) at a 23.24 acre site located off Route 120, straddling the townline of North Castle and Harrison, New York.

SUPPLEMENTARY INFORMATION: Alternatives to the proposed action will be addressed including the "no action" alternative of maintaining the Westchester GMF and VMF at two separate locations in Mount Vernon and White Plains, New York. Should any of the alternatives to the proposed action prove to be viable, the U.S. Postal Service will review their feasibility through an Environmental Assessment review process.

The Environmental Impact Statement will be prepared in accordance with the National Environmental Policy Act and its implementing regulations and procedures as set forth in the Code of Federal Regulations and the USPS Facilities Environmental Handbook. The draft document will be released for public review and comment upon its completion.

Anyone wishing to provide comments on the project or the scope of work for the Environmental Impact Statement is invited to attend two Public Scoping Meetings to be held at the following locations:

September 4, 1991 at 7:30 p.m.; 2nd Floor Auditorium, Building No. 1—Media Center, (Old Air National Guard Bldg.), Airport Access Road, North Castle, NY

September 6, 1991 at 10 a.m.; Conference room 437B, Office of Regional Counsel, U.S. EPA, 26 Federal Plaza, New York, NY

At that time, the public and interested federal, state, county and municipal governments will have an opportunity to provide oral and written comments concerning the proposed project.

Comments on the project or the scope of work to be undertaken for the Environmental Impact Statement may also be submitted by no later than September 11, 1991 to: Philip Wilson, Director, Attn: Charles Vidich, Facilities Service Center, United States Postal Service, Windsor, CT 06006–0340, (203) 285–7254.

FOR FURTHER INFORMATION CONTACT: Charles Vidich (203) 285–7254.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 91–19862 Filed 8–19–91; 8:45 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Securities Exchange Act Release No. 34–29561; File No. 256–16]

Securities and Exchange Commission Market Oversight and Financial Services Advisory Committee; Meeting and Request for Public Comment

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Market Oversight and Financial Services Advisory Committee.

SUMMARY: This is to give public notice that the Securities and Exchange Commission Market Oversight and Financial Services Advisory Committee will conduct a meeting on September 4, 1991 at 9:00 a.m. in room 1C30 at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. The meeting will be open to the public. This notice also serves to invite the public to submit written comments to the Committee.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 256–16. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: David Mahaffey, Assistant General Counsel, or Thomas Selman, Special Counsel, (202) 272–2428, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. app. 1, 10(a), and the regulations thereunder, the Chairman has ordered publication of this notice that the Securities and Exchange Commission Market Oversight and Financial Services Advisory Committee will conduct a meeting on September 4, 1991 at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, beginning at 9 a.m. This meeting will be open to the public. This will be the first meeting of the Advisory Committee. The purpose of the meeting will be to review the goals and responsibilities of the Advisory Committee and to create a plan for its work. The Committee will consider issues relating to holding company risk assessment, systemic risk evaluation, and other matters regarding the financial services industry, including pending legislation.

Dated: August 15, 1991.

Jonathan G. Katz,

Advisory Committee Management Officer.

[FR Doc. 91–19876 Filed 8–19–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29551; File No. SR–BSE–91–6]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Order Granting Temporary Accelerated Partial Approval of a Proposed Rule Change Relating to Specialist Combinations

August 13, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] notice is hereby given that on July 29, 1991, the Boston Stock Exchange ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The BSE has requested accelerated approval of the proposal. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE seeks permanent approval of its rules for reviewing proposed combinations among specialist units on the Exchange and accelerated approval of a one-year extension of its specialist concentration pilot program in the iterim.[3]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1990).

[3] On February 7, 1990, the Commission approved, on a six-month pilot basis ending August 7, 1990, a proposed rule change by the BSE to establish procedures for reviewing proposed combinations among specialist units on the Exchange. See Securities Exchange Act Release No. 27684 (February 7, 1990), 55 FR 5527 (approving File No. SR–BSE–89–5). The Commission later approved the renewal of the pilot program for an additional one-year period in order to allow the Exchange additional time to evaluate the effectiveness of its proposed rules regarding proposed combinations among specialist units and published for notice and comment the BSE's request for permanent approval of these rules. *See* Securities Exchange Act Release No. 28327 (August 10, 1990), 55 FR 33794 (File No. SR–BSE–90–11) ("August 1990 order"). The one-year pilot program of SR–BSE–90–11 expires August 13, 1991.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in section A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

The BSE seeks to obtain permanent approval of its proposed rules for reviewing proposed combinations among specialist units on the Exchange, and accelerated approval of its request to extend the current pilot for an additional one-year period in the interim.[4]

In the August 1990 order, which approved a one-year renewal of the original pilot program, the Commission requested that, during the renewed pilot period, the BSE develop criteria to evaluate the effects of its concentration rules on the activities of specialists and to determine, for example, whether implementation of these concentration rules is increasing the performance and effectiveness of specialists and aiding in the prevention of undue concentration. Specifically, the Commission requested that the BSE submit a report to the Commission addressing, among other things, the following issues: How many proposed specialist combinations have triggered an Exchange Executive Committee ("Committee") review since the inception of the pilot program and the circumstances surrounding these reviews; whether the concentration rules have assisted the Exchange in increasing order flow; whether the existence of more firms has increased competition among specialists for new stock allocations; whether the concentration rules have increased incentives for quality markets and higher standards for performance; and the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.

In response to the Commission's request, the BSE submitted a letter which stated that, as a result of the concentration policy, the Exchange has experienced increased orderflow and an enhanced competition among specialists and specialist firms for new stock allocations.[5] In its letter, the Exchange stated that this increased orderflow and enhanced competition has resulted in increased incentives for quality markets and higher standards of performance.

The BSE letter also states that, since the inception of the pilot program, there has been one proposed specialist combination that has triggered Committee review. This proposed combination, which occurred during the most recent one-year renewed pilot period, involved a situation where the proposed combination would result in a specialist organization specializing in securities equalling 18% of the 100 most actively traded CTA stocks. The Committee approved the combination in spite of this concentration based on the fact that the combination was not a merger of the two firms, but rather a joint account arrangement with no contemplated change in registration. The Exchange found that there was no negative impact on the competitive environment necessary to maintain an orderly market as a result of this specialist combination.

The statutory basis for the proposed rule change is section 6(b)(5) of the Act in that the BSE will be able to monitor tendencies toward concentration in the specialist community and intervene to prevent undue concentration. Further, it will serve to remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest by allowing the Exchange to identify a special level of review for specialist combinations that could impair market quality to the detriment of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that its policy statements regarding the activities of alternative specialists will impose any burden on competition that is not necessary or appropriate in furtherance of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–91–6 and should be submitted by September 10, 1991.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the BSE's proposal to extend its pilot program regarding specialist concentration for an additional one-year period is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 of the Act.[6] The Commission believes it is necessary to extend the pilot program's operation in order to afford both the Exchange and the Commission a further opportunity to evaluate the pilot's operation during the Commission's consideration of permanent approval of the concentration rules. Although the pilot has been in effect since February, 1990, only one proposed combination has triggered a Committee review. Consequently, the Commission belie that the Exchange, in conjunction with the SEC, needs additional time to fully evaluate the operation of the concentration policy and to determine whether the concentration rules are

[4] For a complete description of the BSE's concentration rules, *see* the August 1990 order, *supra note* 3.

[5] *See* letter from Karen A. Aluise, Regulatory Review Specialist, BSE, to Mary Revell, Branch Chief, Branch of Exchange Regulation, Division of Market Regulation, SEC, dated July 25, 1991.

[6] 15 U.S.C. 78f (1988).

enhancing the quality of the markets that specialist units make and thus improving the standards of specialist performance. The Commission believes that allowing the Exchange an additional one-year period in which to implement the pilot will enable the Exchange and the Commission to adequately address the effectiveness of the pilot.

During the extended pilot period, as was requested during the prior one-year pilot period, the Commission expects the Exchange to continue to develop criteria to evaluate the effects of its concentration rules on the activities of specialists. In this regard, the Commission expects the BSE to provide information to the Commission by May 1, 1992, addressing, among other things, the same issues that were addressed during the prior pilot period, *i.e.*, the number of proposed specialist combinations that have triggered a Committee review since the inception of the pilot program and the circumstances surrounding these reviews; whether the concentration rules have assisted the Exchange in increasing the order flow; whether the existence of more firms has increased competition among specialists for new stock allocations; whether the concentration rules have increased incentives for quality markets and higher standards for performance; and the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.

The Commission finds good cause for approving the proposed renewal of the pilot prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission believes that accelerated approval of the extension of the pilot furthers the protection of investors and the public interest because it allows the Exchange additional time to evaluate the effectiveness of the pilot program on an uninterrupted basis during the Commission's consideration of the Exchange's request for permanent approval of its rules for reviewing proposed specialist combinations and because BSE's concentration policy may result in higher quality markets and improved standards of specialist performance. Further, the substance of the proposal has been noticed previously in the **Federal Register** for the full statutory period and the Commission did not receive any comments on it.

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act[7] that the proposed rule change is hereby approved for a one-year period ending on August 13, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-19878 Filed 8-19-91; 8:45 am]

BILLING CODE 8010-01-M

[7] 15 U.S.C. 78s(b)(2) (1988)

[8] 17 CFR 299.30-3(a)(12) (1990).

[Release No. 34-29548; File Nos. SR-NSCC-90-18; SR-MSTC-90-07]

Self-Regulatory Organizations; National Securities Clearing Corporation; Midwest Securities Trust Company; Order Approving Proposed Rule Changes Concerning Telecommunications Systems

August 13, 1991.

I. Introduction

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] National Securities Clearing Corporation ("NSCC") and Midwest Securities Trust Company ("MSTC") have filed proposed rule changes with the Securities and Exchange Commission ("Commission") concerning operation of telecommunications systems.[2] On March 25, 1991, notice of the proposals was published in the **Federal Register** to solicit comments from interested persons.[3] No comments were received. This order approves the proposals on a permanent basis.

NSCC's proposal would authorize NSCC to operate a data communications service. The service would establish a communications link for automated transmission of data between NSCC and NSCC members. MSTC's proposed rule change would provide File Transmission Service ("FTS") [4] users with a new method of submitting depository delivery instructions [5] to MSTC. Under MSTC's proposal, participants would be able to transmit DDIs directly to MSTC.

II. Description of the Proposals

A. NSCC

The proposal would authorize NSCC to operate a data communications service, which establishes a communications link between the member's main frame computer or PC and the mainframe computer operated by NSCC's facilities manager, Securities Industry Automation Corporation ("SIAC"). For members using mainframe computers, NSCC will prescribe the input and output formats for the transmission. Members may also access SIAC's main frame computer using NSCC's PC Access System for direct access between SIAC and the NSCC member.[6] An NSCC member may connect to the SIAC computer through a dedicated telephone line, a dial-up capability, or a hunt group connection. Members that frequently transmit large files have a dedicated line connection. The majority of NSCC members, however, have relatively small files and access the system through dial-up hunt group connections.

At NSCC, each hunt group consists of twenty-five members and five telephone lines. Each member is provided a telephone number for its group. When a hunt group member dials into NSCC, the call is routed to one of five telephone lines associated with that hunt group. In the event that all lines in a hunt group are busy, the member may either redial at a later time or call the SIAC help desk which will provide temporary access to a different port. Currently, NSCC maintains 26 hunt group lines.

In an effort to secure access to the system, NSCC has developed a system of intruder blocks for dial-up users which are designed to prevent unauthorized access into NSCC's system.[7] If a member fails to connect at

[1] 15 U.S.C. 78s(b).

[2] NSCC's proposed rule change (File No. SR-NSCC-90-18) was filed on September 14, 1990; and MSTC's proposed rule change (File No. SR-MSTC-90-07) was filed on September 25, 1990. The proposals were previously filed as File No. SR-NSCC-89-10 and File No. SR-MSTC-88-08 on July 19, 1989 and December 2, 1988, respectively.

[3] Securities Exchange Act Release No. 28984 (March 18, 1991), 56 FR 12405.

[4] FTS is an automated communications system linking MSTC to participating brokers, dealers or institutions. FTS is an enhancement to MSTC's existing system providing a file transmission interface between MSTC and MSTC members through a data communications line. Using FTS, members may receive and transmit data in bulk form.

[5] Depository Delivery Instructions ("DDI") are instructions authorizing transfer of securities from an MSTC participant's account to the account of another MSTC participant or nonparticipant.

[6] For members using NSCC's PC Access System, NSCC will write and supply the member with the software package, which can be used only with IBM or IBM compatible PCs (members using CPU-to-CPU access write their own applications programs). The PC Access applications program includes applications for the Reconfirmation and Pricing System ("RECAPS") and the Automated Customer Account Transfer System ("ACATS") data input and output.

[7] These include passwords and identification at various stages of communications processing.

any level in the process after three attempts, the member's communication ID will be invalidated and all access denied.

In addition, NSCC's Datatrak system checks key data elements to ensure that it contains the proper date, ID, and data format. After all checks have been performed and satisfied, Datatrak routes data to the appropriate application program for subsequent processing.

1. Data Transmission

When the member inputs data, the data is transmitted to NSCC in contiguous records. The data is transmitted once daily for each of the application programs. For example, once the member has transmitted Continuous Net Settlement ("CNS") data, the member will not be able to access the CNS file again the same day. Members are expected to contact NSCC security to inquire about problems concerning access to the member's files. If the data transmission is interrupted, the transmission may be reactivated automatically if the member's system is equipped with a self-reactivating feature, or it may be reactivated with the assistance of SIAC personnel. Otherwise, when the transmission is completed, a trailer record follows with the record count to indicate end of the transmission.

2. System Security and Capacity

NSCC conducts an annual risk assessment of its telecommunications system.[8] Each year, following the risk assessment, the perceived risks are addressed in order of priority as determined by NSCC. An internal audit of security risks is conducted and most recently was performed in May 1991. The review indicated that the controls employed were adequate to minimize risks associated with unauthorized access to the telecommunications system. In addition, an examination was conducted at the request of the New York Exchange and another at the request of the New York Stock Exchange and another at the request of Securities Industry Automation Corporation ("SIAC").[9]

Physical security for the data center is provided by security guards.[10] Access to secure areas is limited, tightly controlled, and access records are maintained and reviewed.

NSCC has the capacity to increase the number of hunt groups as the number of members using hunt groups increases, therefore, as long as NSCC is able to project the number of members that will use hunt groups, at least 75% of member demand for access to NSCC's system may be accommodated at any given time. NSCC's system can accommodate a maximum of 200 users at one time, NSCC has not experienced a system overload.[11]

Disaster recovery procedures include dial back-up lines, which are available for use in the event a dedicated line is inoperative. In addition, NSCC has a back-up processing facility in New Jersey to supply data processing services in the event of a disaster. Participants having dedicated line access would be connected to the back-up facility through the connection providing dial-back capability to dedicated line users.

B. MSTC

As stated above, the proposed rule change would provide FTS users with a method of submitting DDIs to MSTC,[12] directly from the participant's computer to MSTC's computer.[13] In addition to submitting DDIs, participants may perform inquiry and report retrieval functions. The inquiry application provides MSTC participants with the capability to determine current securities positions within the MSTC system. Through direct inquiry, participants can receive information relative to DDI book-entry movements, pay or collect settlement figures, net position and activity report positions listed by CUSIP number, pledge loans, and other adjustment activity. MSTC supports both dial-up and dedicated line connections.[14] The dial-up connection exists only for the period of time that is needed for the exchange of data between the clearing agency and the participant and is supported through two hunt groups with a total of 16 telephone lines. The participant must establish a dial-up connection before transmitting data to MSTC.[15] Hunt group access is a form of dial-up access which allows the participant to dial into a telecommunications device that allocates the call to one of two telecommunications ports. MSTC will assign a participant to one of the hunt groups, depending in part on the anticipated frequency and volume of the participant's usage. One hunt group to which MSTC has assigned 4 participants, consists of 4 lines and is used by low volume participants. There are 39 higher volume participants assigned to the second hunt group which consists of 12 lines. MSTC currently monitors the usage of each hunt group.

MSTC provides dial-up connections as a back-up to dedicated lines. If a dedicated line is not in operation, the participant must contact MSTC's Communications Department, identify itself and explain the nature of the problem. MSTC will research the problem, and if necessary, switch the participant over to dial back-up. MSTC will notify the participant as to the action taken and any additional steps required of the participant.

A password is necessary to gain access to the data entry and inquiry applications. A participant may have several passwords, each password, however, will have limited access only to those files for which it is authorized. Participants must change passwords at regular intervals or the passwords will

[8] NSCC maintains professional internal audit staffs whose responsibility it is to conduct an annual risk assessment and control evaluation. Based upon the results of these annual internal examinations, plans are discussed by the internal audit groups concerning potential ways in which to address the identified risks.

[9] The study and evaluation of NSCC's accounting and internal control system was conducted by Price Waterhouse.

[10] The corporate security officer has corporate-wide responsibility for the review, coordination and enforcement of security procedures to protect personnel, data processing records, facilities and other corporate assets. The site manager is responsible for the review, coordination and enforcement of security procedures for the particular limited area to which he is assigned.

[11] The number of participants that can access the system is primarily a function of the number of ports available. NSCC represents that the number of ports can be increased by adding communications controllers (*e.g.*, access controls) discussed above.

[12] There are three methods of transmitting data between MSTC and the member. The first method is IBM's File Transfer Program ("FTP") in which communication between MSTC and participants may be accomplished by transmitting directly from the participant's CPU. The second method is Remote Job Entry ("RJE") in which transmissions from participants originate from data terminals. The third method, Network Job Entry ("NJE") is a variation of RJE which allows a network of remote terminals to be used for the CPU-to-CPU interface. Members who have IBM mainframes transmit data and receive data from MSTC through FTP. This connection provides for the transmission of high volumes of data between the linked systems.

[13] Currently, participants may manually enter DDIs into their terminals or deliver computer tapes to MSTC. MSTC will only accept DDIs on computer tape when the participant cannot access MSTC's FTS or the participant's communication line is unavailable or the participant must submit batch DDIs in order to meet a settlement deadline.

[14] One of the primary differences in dedicated lines and dial-up lines is that dedicated lines are billed on a flat monthly rate regardless of the line usage whereas dial-up lines are charged by usage. Higher volume users generally opt for a dedicated line.

[15] *See* Section B.1., *infra*, for a description of how participants may communicate with MSTC using a dial-up connection.

be suspended. The participant thereafter will not be able to access the system until a new password is established and the participant is reactivated on the system by MSTC. A password may also be suspended for unauthorized attempts to gain access to the system. Once a participant's password is suspended, the participant must contact MSTC's personnel to reestablish access to the system.

1. Data Transmission

a. CPU-TO-CPU. Communication with FTS for CPU-to-CPU transmissions is established when the participant submits Job Control Language ("JCL") information. The JCL codes contain the MSTC-assigned identification ("ID") necessary to complete the transmission. In order to send data transmissions participants (both dedicated and dial-up users) must use a JCL different than the JCL used to receive data transmissions from MSTC.

b. Remote Transmission. In order to transmit or receive data, RJE participants will complete a three-step procedure for each send, receive or inquiry function, respectively. The first step is the sign-on transmission, the second step is the data transmission, and the last step is the sign-off transmission. The participant will establish a connection with MSTC with the sign-on procedure. The participant's password is entered and matched to the participant's ID to determine whether the transmission originates from the correct source. The applications program also checks the data to determine whether the participant is authorized to access the files and perform the functions requested. If not, the participant's transmission will be rejected.[16]

Once the ID and password are verified the participant may submit the appropriate JCL necessary to inquire, send or to retrieve files. FTS performs a format check for each function requested by the participant.

In conjunction with DDI input, MSTC will provide a Response File to the sender indicating any errors that will prevent the transmission from processing. After the participant transmits a DDI file, MSTC will edit the file and send a response file back to the participant while the participant is still on the line. Participants may submit a transmission at any time within the published cut-off times.[17] MSTC will not accept records received after the cut-off time for that transmission, and MSTC will accept one transmission for each application category per day. The rejected records, if any, will appear on the participant's response file. Multiple transmissions will not be accepted unless the transmission is approved by the appropriate official in MSTC's Scheduling Department.

2. System Security and Capacity

MSTC has included security features into the DDI input function to prevent unauthorized users from submitting DDIs. A user cannot submit a DDI file unless the user is authorized on the MSTC internal FTS database and uses the appropriate passwords.

As part of its system of internal controls, MSTC has an internal audit department that conducts ongoing internal audits. In addition, MSTC engages an independent auditor to conduct an annual audit of MSTC's system of internal accounting controls.[18] The most recent such examinations yielded satisfactory results with no significant irregularities.

MSTC periodically tests its communications system to assess the performance of the system in periods of increased trade volatility. MSTC's stated goal is to maintain 50% more file space and telephone lines than the highest level of participant demand.[19]

III. Discussion

Section 17A(b)(3)(F) requires, among other things, that a clearing agency be so organized and that its rules be designed to promote the prompt and accurate clearance and settlement of securities transactions for which it is responsible. The Commission believes that NSCC's and MSTC's proposals are well designed to facilitate the prompt and accurate clearance and settlement of securities transactions and encourage the use of automation techniques. The proposals should significantly speed up securities processing, reduce paper processing, and reduce the need to use tape transmission, thus reducing the risk of data loss and delays in receiving data.

Furthermore, the Commission believes that NSCC's and MSTC's systems are capable of handling peak processing days.[20] Specifically, NSCC has adopted formal capacity planning including testing all critical software for processing constraints under stressful conditions. MSTC's current processing capacity is sufficient to handle activity volumes comparable to October 1987 and 1989 volume.

Section 17A(b)(3)(F) of the Act also requires that the rules of clearing agencies be so designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the security features built into NSCC's and MSTC's systems are adequate to satisfy this standard. The use of dedicated lines or dial-up access controlled by terminal identification, multiple passwords, access restrictions by function and the call-back feature, are well designed and should help ensure system integrity by maintaining a sufficient level of protection against the risk of unauthorized system access.

The Commission recognizes that dial-up access should provide an economical alternative to use of dedicated telephone lines and therefore should increase the number of participants, particularly, lower volume participants who have access to the efficiencies of automated communications methods. Nevertheless, the Commission remains concerned that dial-up access to clearing agencies' systems have proper safeguarding measures to minimize the risk of unauthorized access to these systems.[21] The Commission encourages NSCC and MSTC to continue monitoring closely the adequacy of dial-up safeguards and to implement any additional safeguards necessary to these systems to further minimize the risk of unauthorized access.

The Commission expects NSCC and MSTC to provide two quarterly reports,

[16] Any retransmissions of input or output must be coordinated with the appropriate personnel in both the user's and MSTC's telecommunications departments. If during the input of data, the transmission is interrupted, or the input is incomplete, the transmission will not be accepted by FTS. The participant may alert MSTC to request that the information be resubmitted.

[17] Participants may transmit DDIs from 5 a.m. to 7:45 p.m. (CT) on any business day.

[18] The 1990 study and evaluation of MSTC's accounting and internal control system was conducted by Ernst & Young.

[19] MSTC reports that during the October 1989 Market Break, MSTC experienced no systems capacity problems as a result of increased trade volume.

[20] The Commission bases this preliminary finding upon representations made by NSCC and MSTC. The Commission expects that NSCC and MSTC will continue to assess the processing capacity of their respective telecommunications systems.

[21] Passwords are the most common method of controlling access to automated systems. However, passwords, just like anything known to one person, may become known to another person. See U.S. Department of Commerce/National Bureau of Standards, *Federal Information Processing Standards No. 48* ("FIPS PUB 48") (April 1977). For this reason, password access, especially from remote terminals, should be supplemented by another safeguarding mechanism such as mandatory on-line hook-ups or a dial-back feature. While the Commission recognizes the need for flexibility in the design and implementation of security systems, each system must be so designed as to provide the Commission a sound basis on which to make a finding consist with the provisions of the Act. See 17 CFR 240.17A(a)(1)(C).

the first covering the last calendar quarter of 1991 and the second covering the first calendar quarter of 1992. Each report should include the number of participants using hunt groups and dedicated lines, the number of lines available (dedicated and dial-up), any security breaches to the system, any significant operational difficulties that have occurred, and projected capacity over the next six months.

IV. Conclusion

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes (SR–NSCC–90–18 and SR–MSTC–90–07) be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–19879 Filed 8–19–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29556; File No. SR–NYSE–91–20]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Extraordinary Market Conditions

August 13, 1991.

On May 23, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b–4 thereunder [2] a proposed rule change to adopt new rule 758B which establishes procedures on the NYSE's options floor for declaring a fast market and for relieving NYSE Competitive Options Traders ("COTs") and options specialists of their specific market maker obligations under the NYSE's rules regarding the maintenance of price continuity and depth during a fast market.

The proposed rule change was published for comment in Securities Exchange Act Release No. 29345 (June 19, 1991), 56 FR 29505 (June 27, 1991). No comments were received on the proposed rule change.

Currently, Exchange rules do not provide procedures for declaring a fast market or for relieving COTs and options specialists of certain obligations under Exchange rules during fast market periods. Accordingly, the NYSE proposes to add a new Exchange rule, rule 758B, which, for one or more classes of options, authorizes two floor officials to declare a fast market if they determine that the level of trading activity or the existence of unusual market conditions are such that the Exchange is incapable of collecting, processing, and making available to quotation vendors bids and offers with respect to one or more classes of options in a manner that accurately reflects the current state of the market on the NYSE's options trading floor. Under proposed rule 758B, COTs and options specialists would be relieved of their obligations under the NYSE's rules regarding the maintenance of price continuity and depth during a fast market. In particular, once a fast market is declared, COTs and specialists will be relieved of their obligations under the following Exchange rules: (1) Rule 758(b)(i)(C)(1), dealing with minimum bid/ask differential requirements for COTs; (2) Rule 750(e)(i), regarding the affirmative obligations of specialists in maintaining price continuity and depth; and (3) Rule 758A, regarding specialists' obligations to maintain ten-up markets in their specialty options.

The proposed Rule also requires that two floor officials monitor the activity or condition that formed the basis for the declaration of a fast market and immediately notify the Exchange's Market Surveillance Division when the Exchange is again capable of collecting, processing and making available to quotation vendors bids and offers that accurately reflect the current state of the market on the floor. When the Market Surveillance Division receives this notification, COTs and options specialists will again be required to comply with Exchange rules regarding the maintenance of price continuity and depth.

Despite providing for the relaxation of certain market maker obligations during a fast market period, the Exchange notes that COTs and options specialists will still be required to act in a manner designed to contribute to the maintenance of a fair and orderly market during this period.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.[3] Specifically, the Commission finds that providing the NYSE with the authority to declare a fast market is consistent with section 6(b)(5) in that it promotes a free and open market by facilitating the continued operation of the markets during periods of extreme market pressure. During such periods, it is difficult to require market makers to uphold their depth and continuity obligations. Other options exchanges have made similar provisions as the NYSE proposal so that their market makers are not forced to meet unrealistic expectations.[4] At the same time, the NYSE proposal adequately protects investors because COTs and options specialists will still be required to act in a manner designed to contribute to the maintenance of a fair and orderly market during a fast market.

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (SR–NYSE–91–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–19880 Filed 8–19–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29555; File No. SR–SCCP–91–04]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to How the Corporation Will Apply Certain Fee Schedule Discounts

August 13, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on July 29, 1991, the Stock Clearing Corporation of Philadelphia ("SCCP" or the "Corporation") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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[22] 17 CFR 200.30–3(a)(12) (1990).

[1] 15 U.S.C. 78s(b) (1988).

[2] 17 CFR 240.19b–4 (1990).

[3] 15 U.S.C. 78f (1988).

[4] *See, e.g.,* Chicago Board Options Exchange Rule 6.6, and American Stock Exchange Rule 115.

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30–3(a)(12) (1990).

[1] 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP proposes as a rule change revisions to its discount fee charged to specialists to clarify that the discount is available to specialists for all trades cleared through a SCCP account regardless of whether the trades were executed on the Philadelphia Stock Exchange ("PHLX").

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission,the self-regulatory organization included statments concerning the purpose of and statutory basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In SR-SCCP-91-02, SCCP provided, among other things, for a series of new volume related discounts for PHLX specialists for trades cleared through SCCP. The discounts range from $0.05 to $0.40 per trade side depending on monthly transaction value generated. The discounts were formulated to benefit all equity specialists utilizing SCCP at this time, but were structured carefully to provide significant cost incentives for this group to increase levels of equity transactions cleared through SCCP. The text of SR-SCCP-91-02 stated that these discounts were available to specialists "for trades executed on the PHLX and cleared through a SCCP margin account." SCCP makes this filing to delete the words "executed on the PHLX and" so that the discount is available whether the cleared trade was executed on the PHLX or any other market center.

The proposed rule change is consistent with section 17A(b)(3)(D) of the Act [2] in providing for equitable allocations of reasonable dues, fees, and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not perceive any burdens on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

A forthcoming SCCP/PHILADEP Member Bulletin will advise members of officials to whom they may direct questions.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has bcome effective pursuant to section 19(b)(3)(A) of the Act [3] and subparagraph (e) of rule 19b-4 thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if its appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection at SCCP. All submissions should be refer to File Number SR-SCCP-91-04 and should submitted by September 10, 1991.

For the Commission, by the Division of Market Regulation, pursuant to be delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-19877 Filed 8-19-91; 8:45 am]

BILLING CODE 8010-01-M

[2] 15 U.S.C. 78q-1(b)(3)(D).

[3] 15 U.S.C. 78s(b)(3)(A).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces a fact-finding informal airspace meeting to solicit additional information from airspace users and others concerning the establishment of an Airport Radar Service Area (ARSA) at Billings Logan International Airport, MT.

DATES: Comments must be received on or before January 7, 1992. The informal airspace meeting will be held on Friday, November 8, 1991.

ADDRESSES: The informal airspace meeting location is as follows:

Date: Friday, November 8, 1991.

Time: 7:00 p.m.

Location: National Guard Armory, Highway 3, (½ mile west of Billings Logan International Airport), Billings, MT.

FOR FURTHER INFORMATION CONTACT: George Orr, System Management Branch (ANM-530), Air Traffic Division, Federal Aviation Administration, Northwest Mountain Region Headquarters, 17900 Pacific Highway South, C-68966, Seattle, WA 98168; telephone: (206) 431-2530.

Issued in Washington, DC, on August 13, 1991.

Jerry W. Ball,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-19859 Filed 8-19-91; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 164; Minimum Operational Performance Standards for Aircraft Audio Systems and Equipment

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the tenth meeting of Special Committee 164 to be held August 26-28, 1991, in the RTCA Conference Room, 1140 Connecticut Ave. NW., suite 1020, Washington, DC, 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of the ninth meeting's minutes, RTCA paper no. 327-91/SC164-149; (3) Technical presentations; (4) Review of task assignments from last meeting; (5)

Review of the fourth draft of the MOPS, RTCA paper no. 332-91/SC164-50; (6) Working group sessions; (7) Assignment of tasks; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 1, 1991.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 91-19860 Filed 8-19-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 13, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0712.
Form Number: 6198.
Type of Review: Extension.
Title: At-Risk Limitations.
Description: Internal Revenue Code section 465 requires taxpayers to limit their at-risk loss to the lesser of the loss or their amount at risk. Form 6198 is used by taxpayers to determine their deductible loss and by IRS to verify the amount deducted.
Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 121,400.
Estimated Burden Hours Per Response/Recordkeeping:
Recordkeeping: 1 hour, 12 minutes.
Learning about the law or the form: 59 minutes.
Preparing the form: 1 hour, 5 minutes.
Copying, assembling, and sending the form to the IRS: 20 minutes.
Frequency of Response: Annually.
Estimated Total Recordkeeping/ Reporting Burden: 437,040 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91-19799 Filed 8-19-91; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 13, 1991.

The Department of the Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0059.
Form Number: 4137.
Type of Review: Resubmission.
Title: Social Security and Medicare Tax on Unreported Tip Income.
Description: Section 3102 requires an employee who receives tips subject to FICA tax to compute tax due on these tips if the employee did not report them to his or her employer. The data is used to help verify that the FICA tax on tip income is correctly computed.
Respondents: Individuals or households.
Estimated Number of Respondents: 76,000.
Estimated Burden Hours Per Response/Recordkeeping:
Recordkeeping: 26 minutes.
Learning about the law or the form: 5 minutes.
Preparing the form: 25 minutes.
Copying, assembling, and sending the form to the IRS: 17 minutes.
Frequency of Response: Annually.
Estimated Total Recordkeeping/ Reporting Burden: 94,240 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91-19800 Filed 8-19-91; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 14, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0441.
Form Number: 6559 and 6559(a).
Type of Review: Revision.
Title: Transmitter Report and Summary of Magnetic Media Filing, and Continuation Sheet.
Description: Form 6559 is needed to identify the transmitters of wage and pension information who file on magnetic media. The Social Security Administration (SSA) uses the information to secure the transmitter's signature, attesting to the accuracy of the information transmitted.
Respondents: State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 100,000.
Estimated Burden Hours Per Response: 20 minutes.
Frequency of Response: Annually.

Estimated Total Reporting Burden: 39,960 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91–19858 Filed 8–19–91; 8:45 am]

BILLING CODE 4830–01–M

Customs Service

Application for Recordation of Trade Name: "All-State Welding Products"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of application for recordation of trade name.

SUMMARY: .Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "All-State Welding Products", used by All-State Welding Products Inc., a corporation organized under the laws of the State of Delaware, located at 5112 Allendale Lane, Taneytown, Maryland 21787.

The application states the trade name is used in connection with welding electrodes, brazing rods, solders, fluxes, powders, chemical aids and equipment for using the same for maintenance and repair applications. The following companies are authorized to use the above trade name: Hi-Tech Welding (PROPOD) Ltd., dba All-State Welding Products Canada, located at 57 Galaxy Blvd., Unit 6, Rexdale, Ontario M9W 5P1 Canada, is authorized only in Canada and McNeil Holdings Pty. Ltd., dba All-State Welding Products Distibutors, located at 6143 Dellamarta Road, Wangara, Washington, is authorized to use the trade name only in Australia.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the **Federal Register.**

DATES: Comments must be received on or before October 21, 1991.

ADDRESSES: Written comments should be addressed to U.S. Customs Service, Attention: Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (room 2104), Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202–566–6956).

Dated: August 13, 1991.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 91–19872 Filed 8–19–91; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on August 29 & 30, 1991. The meeting will be held in room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, NW., Washington, DC. The meeting will begin at 8:30 A.M. on Thursday, August 29 and 10:30A.M. on Friday, August 30, 1991. The agenda will include the following topics:

Thursday, August 29, 1991

Compliance 2000 Directions.
Compliance 2000 Prototypes.
Burden Reduction.
Tax Systems Modernization Design Master Plan.
Taxpayer's Vision.
Strategic Business Plan.
Accounts Receivable.

Friday, August 30, 1991

IRS Ethics Training.
Update on IRS Ethics and Integrity Issues.
Earned Income Credit.
Automated Processing of Extension.
Q & A and News Items.
Concluding Remarks.

Note: Last minute changes to the day or order of topic discussion are possible and could prevent effective advance notice.

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people, including members of the Commissioner's Advisory Group and IRS officials. Due to the limited conference space, notification of intent to attend the meeting must be made with Raiford Gaffney, Senior Program Analyst no later than August 26, 1991. Ms. Gaffney may be reached on (202) 566–3161 (not toll-free).

If you would like to have the committee consider a written statement, please call or write Raiford Gaffney, Senior Program Analyst, Executive Secretariat, C:ES, room 3308, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Raiford Gaffney, Senior Program Analyst, [202] 566–3161 [Not toll-free].

Fred T. Goldberg, Jr.,

Commissioner.

[FR Doc. 91–19915 Filed 8–15–91; 2:28 am]

BILLING CODE 4830–01–M

Office of Thrift Supervision

First Federal Savings Association of Wewoka, Wewoka, OK; Replacement of Conservator With a Receiver

Notice is hereby give that, pursuant to the authority contained in subdivision (F) of section 5 (d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for First Federal Savings Association of Wewoka, Wewoka, Oklahoma ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on August 2, 1991.

Dated: August 14, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–19821 Filed 8–19–91; 8:45 am]

BILLING CODE 6720–01–M

Florida Federal Savings, F.S.B., St. Petersburg, FL; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5 (d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Florida Federal Savings, F.S.B., St. Petersburg, Florida ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on August 2, 1991.

Dated: August 14, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91–19819 Filed 8–19–91; 8:45 am]

BILLING CODE 6720–01–M

Santa Barbara Federal Savings and Loan Association; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act,

the Office of Thrift Supervision has duly replaced the Resolution Trust Corporation as Conservator for Santa Barbara Federal Savings and Loan Association, Santa Barbara, California ("Association"), OTS. No. 8850, with the Resolution Trust Corporation as sole Receiver for the Association, on August 9, 1991.

Dated: August 14, 1991
By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-19818 Filed 8-19-91; 8:45 am]

BILLING CODE 6720-01-M

[AC-40; OTS No. 7185]

Estill Federal Savings Bank, Irvine, KY, Final Action; Approval of Conversion Application

Notice is hereby given that on August 12, 1991, the Office of the Chief Counsel, Office of the Thrift Supervision, acting pursuant to delegated authority, approved the application of Estill Federal Savings Bank, Irvine, Kentucky for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and Assistant Regional Director, Office of Thrift Supervision of Cincinnati, 525 Vine Street, suite 700, Cincinnati, Ohio 45202.

Dated: August 13, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-19817 Filed 8-19-91; 8:45 am]

BILLING CODE 6720-01-M

[AC-41; OTS No. 4044]

Shelby County Savings Bank, FSB, Shelbyville, IN, Final Action; Approval of Conversion Application

Notice is hereby given that on August 13, 1991, the Office of the Chief Counsel, Office of the Thrift Supervision, acting pursuant to delegated authority, approved the application of Shelby County Savings Bank, FSB, Shelbyville, Indiana for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and Deputy Regional Director, Office of Thrift Supervision of Indianapolis, 8250 Woodfield Crossing Blvd., suite 305, Indianapolis, Indiana 46204.

Dated: August 14, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-19816 Filed 8-19-91; 8:45 am]

BILLING CODE 6720-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 161
Tuesday, August 20, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting

AGENCY: National Coalition on Disability.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability and the hearing on the research needs of the Americans with Disabilities Act. This notice also describes the functions of the National Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (Pub. L. 94-409).

DATES:

Quarterly Meeting

September 16, 1991, 8:30 a.m. to 5 p.m.
September 17, 1991, 8:30 a.m. to 5 p.m.

Hearing on the Research Needs of the Americans with Disabilities Act

September 18, 1991, 8:30 a.m. to 5 p.m.
September 19, 1991, 8:30 a.m. to 5 p.m.

LOCATION: Ritz Carlton Hotel, 1515 West Third Street, Cleveland, Ohio.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW., suite 814, Washington, DC 20591 (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Pub. L. 98-221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with disabilities and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People with Disabilities.

The quarterly meeting of the National Council shall be open to the public. The proposed agenda includes:

Report from Chairperson and Executive Committee
Update on NIDRR
Update on the implementation of the Americans with Disabilities Act
Update on research policy studies: education; technology; and, health insurance
Committee Meetings/Committee Reports
Unfinished Business
New Business
Announcements
Adjournment
Hearing on the research issues relating to the implementatoin of the Americans with Disabilities Act

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, DC on August 14, 1991.

Harold W. Snider,

Acting Executive Director.

[FR Doc. 91-19814 Filed 8-19-91; 8:45 am]

BILLING CODE 6820-BS-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of August 19, 26, September 2, and 9, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of August 19

Wednesday, August 21

9:30 a.m. Briefing on Program for Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) for Advanced Reactors (PUBLIC MEETING)
2:00 p.m. Briefing by NRC Staff on International Programs (PUBLIC MEETING)
3:00 p.m. Affirmation/Discussion and Vote (PUBLIC MEETING)
a. Program Fraud Civil Remedies Act (10 CFR Part 13)—Final Rule (Tentative) (postponed from August 16)

Week of August 26—Tentative

Wednesday, August 28

11:30 a.m. Affirmation/Discussion and Vote (PUBLIC MEETING) (if needed)

Week of September 2—Tentative

There are no meetings scheduled for the Week of September 2.

Week of September 9—Tentative

Monday, September 9

2:00 p.m. Briefing on IIT Report on GE-Wilmington Incident (PUBLIC MEETING)

Wednesday, September 11

11:30 a.m. Affirmation/Discussion and Vote (PUBLIC MEETING) (if needed)

NOTE: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identifed and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that not item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meetings call (Recording)—(301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

Dated: August 16, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91-20053 Filed 8-16-91; 2:30 pm]

BILLING CODE 7590-01-M

Corrections

Federal Register
Vol. 56, No. 161
Tuesday, August 20, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103)

Correction

In rule document 91-13215 beginning on page 25998 in the issue of Thursday, June 6, 1991, make the following corrections:

1. On page 26004, in the first column, in the fourth line from the top, "§ 1493.80(a)(10)" should read "§ 1493.40(a)(10)". In the same column, in the third line from the bottom, "Participants" was misspelled.

§ 1493.30 [Corrected]

2. On page 26010, in the second column, in § 1493.30(c), in the seventh line, "any" should read "an".

§ 1493.50 [Corrected]

3. On page 26011, in the first column, the last paragraph should be a continuation of § 1493.50(e) and in the next to last line, "exporter" should read "exported".

§ 1493.60 [Corrected]

4. In § 1493.60(a), in the second line, "the" should read "that".

§ 1493.110 [Corrected]

5. On page 26013, in the 1st column, in § 1493.110(a), in the 18th line, delete the second "with".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand; Termination of Antidumping Duty Administrative Review

Correction

In notice document 91-17387 appearing on page 33421 in the issue of Monday, July 22, 1991, make the following corrections:

1. On page 33421, in the first column, under **SUMMARY**, in the seventh line, "not" should read "now".

2. On the same page, in the same column, under **BACKGROUND**, in the next to the last line, "not" should read "now".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL-3966-1]

Approval and Promulgation of Implementation Plans; ND Standards of Performance for New Stationary Sources

Correction

In rule document 91-14620 beginning on page 28322 in the issue of Thursday, June 20, 1991, make the following correction:

On pages 28324 and 28325, in § 60.4(c), in the table, the heading of the sixth column should read "SD".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Public Meeting on Clinical Practice Guidelines for Management of Cancer-Related Pain

Correction

In notice document 91-18070 beginning on page 36155 in the issue of Wednesday July 31, 1991, make the following corrections:

1. On page 36155, in the third column, in the last complete paragraph, in the sixth line from the end of the paragraph, "on" should read "to".

2. On page 36156, in the first column, in the second complete paragraph, in the last line, the FAX number should read "301-227-6679".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91F-0169]

W. R. Grace, Ltd.; Filing of Food Additive Petition

Correction

In notice document 91-16925 appearing on page 32435 in the issue of Tuesday, July 16, 1991, make the following corrections:

1. On page 32435, in the first column, under **FOR FURTHER INFORMATION CONTACT:**, in the second line, after "Center for" add "Food Safety and Applied Nutrition (HFF-335)".

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION:**, in the first paragraph, in the third line, "(5))" should read "(5)))".

3. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION:**, in the second paragraph, in the second line, "section" should read "action".

BILLING CODE 1505-01-D

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Areas #2514]

California; Declaration of Disaster Loan Area

Correction

In notice document 91-18380 beginning on page 37118 in the issue of Friday, August 2, 1991, make the following correction:

On page 37119, in the second column, in paragraph 8., in the second line, remove "not".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 90-067]

RIN 2115-AD67

Recreational Vessel Fees

Correction

In rule document 91-15512 beginning on page 30244 in the issue of Monday, July 1, 1991, make the following corrections:

1. On page 30251, in the table, in the first column, in the third entry, remove the symbol appearing before "27".

2. On the same page, in the 3rd column, in the last paragraph, remove the 10th and 11th lines, which read "recreationalboaters." Coast Guard programs provide benefits to".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[CGD 90-014]

RIN 2115-AC45

Chemical Drug Testing Programs for Commerical Vessel Personnel

Correction

In rule document 91-16101 beginning on page 31030 in the issue of Monday, July 8, 1991, make the following corrections:

1. On page 31030, in the 2nd column, in the 1st complete paragraph, in the 8th and 30th lines, "has" should read "had".

2. On page 31031, in the second column, in the first complete paragraph, in the ninth line, insert "not"after "does".

3. On page 31032, in the second column, in the second complete paragraph, in the second line, "would" should read "should".

BILLING CODE 1505-01-D

federal register

Tuesday
August 20, 1991

Part II

Department of Transportation

National Highway Traffic Safety Administration

23 CFR Parts 1325 and 1327

Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System; Final Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Parts 1325 and 1327

[Docket No. 84-02; Notice 8]

RIN 2127-AD26

Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This rule implements the new National Driver Register (NDR) system, also called the Problem Driver Pointer System (PDPS), which was developed and pilot tested in accordance with the NDR Act of 1982. Specifically, this rule establishes the procedures that a State must follow to notify the agency of its intention to participate in the NDR PDPS, the conditions of State participation, and the procedures and conditions under which other authorized parties may receive NDR information. The PDPS is intended to enhance traffic safety by assisting driver licensing officials in obtaining accurate and timely information regarding the driving records of certain individuals.

EFFECTIVE DATE: This rule becomes effective December 18, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton Hatch, Chief, Driver and Vehicle Services Division (NTS-24), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; telephone (202) 366-4800.

SUPPLEMENTARY INFORMATION: The National Driver Register Act of 1982 (Pub. L. 97-364) called for the establishment of an improved National Driver Register (NDR) to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. On July 11, 1985, the National Highway Traffic Safety Administration (NHTSA) published a final rule in the **Federal Register** (50 FR 28191) on the procedures for transition from the old NDR system to the new NDR system. This notice described in detail the old NDR system, the new system that was being developed to improve the NDR (the Problem Driver Pointer System or PDPS), and the pilot test program that was to be conducted to test the effectiveness of the system. It also established the procedures for transition to the PDPS. The PDPS differs from the old NDR system in that it maintains only identification data on problem drivers and "points" to the State of Record (SOR) where the substantive adverse action data can be obtained. It also provides for automated electronic communication. The one-year pilot test was completed with successful results on July 31, 1988.

On April 4, 1990, NHTSA published a notice of proposed rulemaking in the **Federal Register** (55 FR 12509) proposing the procedures that each State must follow to notify the agency of its intention to participate in the NDR PDPS, the conditions of State participation, and the procedures and conditions under which other authorized parties may receive NDR information through participating States. The comment period for this notice expired on May 21, 1990, and a second notice was issued on July 2, 1990 (55 FR 27251), reopening the comment period until October 1, 1990. The comments received in response to these notices as well as the procedures and conditions that are being adopted in this final rule are discussed below.

Discussion of Comments

Fifteen commenters responded to the April 4 and July 2, 1990 notices. The commenters include the American Association of Motor Vehicle Administrators (AAMVA), the American Trucking Associations (ATA), the National Driver Register Advisory Committee (NDRAC), the National Transportation Safety Board (NTSB), and representatives from eleven States. Additionally, since the AAMVA represents all State motor vehicle administrators, comments from other States are embodied in the AAMVA response. NHTSA also received comments from one individual prior to publication of the NPRM.

The comments were very supportive in general of the agency's proposed regulation. They were also supportive of the PDPS concept, and recognized the positive impact PDPS will have on the driver licensing process and on traffic safety in general. The ATA, for example, states, "The trucking industry is, gratified * * * to see that NHTSA is now addressing specific proposals to upgrade the NDR by converting it to a pointer system, and to set forth the specific procedures under which employers and prospective employers of drivers may gain access to information." NTSB states, "the proposed rulemaking * * * will serve as a useful tool for employers in screening and hiring prospective operators of transportation vehicles."

The respondents did raise questions and voice concerns, however, regarding various aspects of NHTSA's proposal. Each of these concerns is discussed in detail below. Before responding to comments that address the particular provisions of the proposed regulations, however, NHTSA will discuss a number of general issues associated with its proposal.

1. Transition Period

The NPRM proposed that the transition period for the NDR would continue until the Register system is "fully electronic," and this would occur when each State that has notified the agency of its intention to participate, is in fact participating in accordance with all statutory and regulatory conditions. The proposed regulation did not establish a date certain, however, by which this must occur.

In order to assist States in their planning and programming efforts, three Stats and AAMVA recommend that NHTSA establish a fixed future date by which all States must be converted. Delaware and AAMVA recommend that this date be set at April 1995, which is three years after the implementation deadline for the Commercial Driver's License (CDL) Program. NHTSA agrees that a fixed future date by which the transition period must end would enable the States to plan and program their efforts more effectively. Therefore, in this final rule, the agency revises parts 1325 and 1327 to provide that the transition period will end when all States that are participating in the NDR have been certified by the agency as participating States, and establish April 30, 1995 as the date by which this must occur.

During the transition period, States that are certified as participating States will participate according to the procedures and conditions contained in this rule. In addition, all States, whether or not they have been certified as participating States, will exchange information in accordance with the Transition Procedures from the Current to the New National Driver Register, 23 CFR part 1325, as revised by this final rule. Once the transition period has ended, States that have not been certified as participating States will not be able to participate in the NDR in any manner.

NHTSA recognizes, however, that unforeseen difficulties may prevent a State from meeting this deadline. Accordingly, we have also included, in the rule, a provision to allow a State that is unable to meet this date to request an extension of time. In the

request, the State must include the reasons for the request, the length of the extension requested and a plan showing that conversion will be completed by the proposed extended deadline. NHTSA does not expect to grant extensions in the absence of a showing of good cause. The agency intends to provide technical assistance to States to assist in their conversion efforts.

2. Mandatory Participation

NHTSA has stated, on numerous occasions, that the full benefits of the NDR will not be realized unless all States use the system. The commenters fully agree. In fact, AAMVA, NDRAC, and six States express their belief that States should be required to participate in the NDR, and recommend that legislation be sought to ensure such participation.

NHTSA acknowledges that the NDR Act, when it was passed in 1982, established the Register as a voluntary system, and agrees that mandatory participation would make the NDR more effective. However, we believe that a legislative amendment is no longer necessary to achieve this goal. As four State commenters note, States are already required to participate in the NDR in order to comply with the Commercial Motor Vehicle Safety Act (CMVSA) of 1986, which requires States to check the NDR before issuing a commercial driver's license (CDL) to any person to operate a commercial motor vehicle by April 1, 1992, or risk the withholding of a portion of their Federal highway grant funds. In addition, as explained above, under the regulation being promulgated in today's final rule, States will not be permitted to use the NDR at all, and thus will be in non-compliance with the CMVSA, if they are not certified as participating States by April 30, 1995. Similarly, as California points out in its comments, "if a member State decides to terminate its status as a participating State, then that State would not be in compliance with the CMVSA." As a result, these requirements, when coupled together, in effect amount to mandatory participation. A legislative amendment is, therefore, unnecessary.

3. Compatibility With CDLIS

The States are currently in the process of making changes to their systems to enable them to communicate with the Commercial Driver's License Information System (CDLIS). The CDLIS was established pursuant to the CMVSA to serve as a clearinghouse and depository of information pertaining to the licensing and identification of commercial drivers. These communications will take place through the American Association of Motor Vehicle Administrators Telecommunications Network (AAMVAnet), a network of all State chief driver licensing officials operated by AAMVA.

As a result, the commenters strongly advise that the new NDR should match CDLIS operations as closely as possible. They also advise that certain NDR functions should be eliminated since these functions can be performed over the AAMVAnet without the involvement of the NDR. Based on these new conditions, specific changes to the proposal were suggested with regard to: (a) The Driver License Status Indicator (DLSI) and (b) the Driver History Summary (DHS).

NHTSA has decided to adopt these changes. We believe the suggested changes will not only make the conversion to the new NDR much simpler for the States, it will also improve NDR operations. Just as those who developed AAMVAnet and CDLIS benefited from NHTSA's experience developing and operating the NDR since 1960, so too will NHTSA and the NDR benefit from the improvements made by those who developed those two systems.

In order to fully understand the changes that were suggested in the comments, one needs to first understand the manner in which the NPRM proposed that the PDPS would be operated. In the NPRM, the agency proposed that PDPS would operate as follows:

> To make a request, the State (known as the State of Inquiry (SOI)) asks the NDR to check whether an adverse action has been taken in any other State against an individual. * * * If the NDR locates a record on the individual, it first provides a response to the inquiring State indicating that a record has been found. (It also identifies the State in which the action occurred (known as the State of Record, or SOR) and indicates the "status" of the driver, i.e., whether the driver currently has an active license. This is called the Driver License Status Indicator.) If the State's request is made on its own behalf, the NDR then obtains the adverse action information (Driver History Summary) from the * * * (State of Record) and relays it, without interception, to the inquiring State. * * *

The commenters suggest that: (1) Instead of requiring that States maintain a Driver License Status Indicator (DLSI) on the NDR system, NHTSA should require that each State expand its Driver Status Response capability (mandated under CDLIS) to cover both commercial and non-commercial drivers and (2) CDLIS's Driver History Record should replace NDR's Driver History Summary and NDR should no longer initiate the request for this information from the SOR or relay the information to the SOI. The agency has decided to adopt these recommendations. Accordingly, PDPS will now operate as follows:

> To make a request, the State (known as the State of Inquiry (SOI)) asks the NDR to check whether an adverse action has been taken in any other State against an individual. * * * If the NDR locates a record on the individual, it will provide a response to the inquiring State indicating that a record has been found. It will also identify the State in which the action occurred (known as the State of Record, or SOR). If the State's request was made on its own behalf and there has been a match, the NDR will send a request for driver status information to the SOR on behalf of the SOI. The SOR will be required to respond interactively to the SOI (not through NDR). The SOI may then request the Driver History Record from the SOR directly (not through NDR) and the SOR will be required to respond.

Missouri recommends that, in the case of multiple probable matches to a State inquiry, NDR should only return the pointer records; the SOI should be required to issue the driver status requests. This recommendation is consistent with the CDLIS process. NHTSA believes this service is important, however, whether States receive matches involving one State or multiple States. Accordingly, NDR operations will differ from those of CDLIS in this respect. If the State's request was made on its own behalf and there has been a match (whether with one State or with many), NDR will request driver status information from the SOR on behalf of the SOI.

A more detailed discussion of these issues is included below, in the section-by-section analysis.

One of the commenters suggested that CDLIS and NDR should be consolidated. Such an undertaking would require considerable effort and cost. Particularly due to the regulatory changes referenced above, which will make NDR operations as compatible as possible with those of CDLIS, NHTSA believes there is no need or justification for consolidating these two systems.

AAMVA suggests, in its comments, that the NDR Central Site system should be ready to "handle any jurisdiction that wishes to convert to the new NDR" by March 1992. By this, NHTSA believes that AAMVA is recommending that the NDR Central Site be capable of production by this date. The changes that are being made in this final rule to facilitate State conversion to PDPS will require significant system modifications to the NDR system. While we plan to expedite these modifications to the extent possible, the agency cannot

guarantee that they will be completed by March 1992. Even if they are not completed by that time, however, this should not delay the State conversion process since all steps to implement PDPS, short of testing and actual production, can be accomplished simultaneously at the Central Site and in the States.

4. Individuals To Be Reported to NDR

The NDR Act of 1982 is clear. The individuals who are to be reported to the NDR are those whose driver licenses have been denied, canceled, revoked or suspended for cause, or who have been convicted of certain serious traffic offenses. Nonetheless, a number of comments were received suggesting that the NDR should be made up of a different population.

(a) All Drivers

Wisconsin, Idaho and Delaware, for example, believe that at some future date the NDR should be combined with CDLIS and expanded to track all drivers. Obviously, such a change would require legislative action, since the NDR is limited statutorily to problem drivers and the CDLIS is limited statutorily to commercial drivers. Interestingly enough, in a different context, some of these same commenters also suggested reducing the population of drivers to be contained on the Register system.

(b) Hot File

Delaware and AAMVA recommend that the NDR should serve only as a "hot file" pointer system. By this, the commenters mean that the NDR should maintain a pointer record on an individual only if that individual's driving privileges are currently withdrawn. It should not contain records on drivers whose privileges have been restored or who have been convicted of the violations specified in the NDR Act but have not lost their license as a result. Delaware suggests that, by adopting this change, States will avoid unnecessary data transmission charges, timeliness will be improved, and States will be able to deliver better customer service.

Support for this change, however, is far from universal. AAMVA notes, in its comments, that of all the issues considered by the AAMVA community, this was one of only two on which AAMVA could not present a unanimous recommendation of all State Motor Vehicle Administrators. AAMVA also qualifies its support of the "hot file" concept by stating that it should be adopted only if certain supporting processes are mandatory and in place, and it recognizes that these processes are not currently required. In addition, Idaho and the NDRAC submitted separate comments opposing the idea.

NHTSA does not support the recommendation that the NDR should be operated as a "hot file." the agency believes that such a change would diminish the utility of the system for our users. If the NDR were a "hot file" only, a requester would not receive information concerning individuals whose privileges were withdrawn during the past three years, but whose privileges are not currently withdrawn or who have been convicted of certain serious traffic offenses without losing their driver's license. This information is important to many of our users, especially those who are interested in the information for employment purposes, such as the Federal Aviation Administration, Federal Railroad Administration and truck and railroad companies. It is also important to States, who are required by the CMVSA of 1986, before issuing a person a commercial driver's license, to request information from the NDR on whether the person has been disqualified from operating a motor vehicle, convicted of the traffic offenses identified in the NDR Act or had a non-commercial driver's license suspended, revoked, or cancelled for cause during the last three years.

Converting the NDR to a "hot file" would also require legislative change. The NDR Act of 1982 specifically provides that individuals convicted of certain offenses are to be reported to the NDR, and this provision was included in the Act specifically to capture those individuals who are convicted of these offenses but do not lose their driving privileges. If the NDR were operated as a "hot file," as suggested by Delaware and AAMVA, this provision would be rendered meaningless, for records on these individuals would never be reported.

Further, Idaho stresses the importance of keeping the NDR file up-to-date, and the difficulty States have had keeping files up-to-date in the past. NHTSA agrees. A "hot file" would be successful only if States are vigilant about updating the NDR. In fact, it was the States' failure to maintain the accuracy of the records in the NDR which led initially to the development of the PDPS concept and the passage of the NDR Act of 1982.

Section-by-Section Analysis

The agency received no comments regarding §§ 1327.1, 1327.2 and 1327.4 of the regulation, entitled Scope, Purpose and Notification procedures. These sections will be adopted as proposed in the NPRM. While no comments were made regarding the definitions in 1325 or 1327 per se, some comments pertaining to other regulatory provisions required the agency to reconsider the definition of certain terms. Where changes have been made, they will be discussed in the context of the relevant regulatory provisions.

We received many comments on §§ 1327.5, Conditions for Becoming a Participating State, and 1327.6, Conditions and Procedures for Other Authorized Users of the NDR. The comments received regarding these sections, and any changes being made to the agency's original proposal in the NPRM, in response, are discussed in detail below. Although they are not all discussed in detail, the agency has also made a number of editorial changes to improve the clarity of parts 1325 and 1327 or to ensure the consistency between these two parts.

Conditions for Becoming a Participating State

As explained in the NPRM, the agency proposed that a State wishing to participate in the NDR PDPS must submit notification to NHTSA which includes, among other elements, a certification that the State intends to be bound by the requirements of the NDR Act of 1982 and § 1327.5 of the implementing regulation. The State must also be certified by the agency as having met several conditions, which include:

(1) Reporting requirements of section 205 of the Act;

(2) Dual record reporting requirement of the transition procedures;

(3) State of Inquiry function, on the State's own behalf, regarding first time, non-minimum age driver license applicant;

(4) State of Inquiry function on behalf of other parties authorized to receive NDR information under section 206 of the Act; and

(5) State of Record function and responses to requests for driver license abstracts.

Comments were received regarding each of these conditions. The comments, and changes the agency has decided to make to the regulation, as a result, are discussed below.

1. Reporting Requirements of Section 205 of the Act

Section 205(a) of the NDR of 1982 indicates who is to be reported to the NDR, and section 205(b) of the Act indicates what is to be reported concerning these individuals. Under section 205(a), States are required to transmit a report to the NDR regarding any individual whose driving privileges

have been denied, canceled, revoked or suspended for cause or who has been convicted of certain serious traffic offenses. The NPRM contained an appendix listing the violations it considered to be "for cause." Regarding each of these individuals, 205(b) requires, and NHTSA proposed in the NPRM, that States must submit a record containing identifying information about the individual and the name of the State that transmitted the information. The agency also proposed that State records must include a Driver License Status Indicator (DLSI). Many comments were received on these reporting requirements. (Section 205(c) of the NDR Act indicates when reports must be transmitted to the NDR, but no comments were received on the portion of the regulation which implemented this subsection.)

(a) All Drivers

As already discussed, three States recommend that, at some time in the future, the NDR should be combined with CDLIS and expanded to track all drivers. No commenters suggest, however, that such a change could be adopted in this final rule, or without legislative action. Accordingly, it has not been included in this regulation.

(b) Hot File

We have also discussed, previously in this final rule, the recommendation of Delaware and AAMVA that the NDR should be operated as a hot file, and should maintain a pointer record on an individual only if that individual's driving privileges are currently withdrawn. It should not contain records on drivers whose privileges have been restored or who have been convicted of the violations specified in the NDR Act but have not lost their license as a result. For the reasons already discussed, the hot file concept has not been adopted.

(c) Convictions

Consistent with their recommendation that the NDR should be operated as a "hot file," the State of Delaware recommends that States should not be required to report convictions to the NDR, and AAMVA recommends that convictions should be reported only if an offender claims not to have a license. NHTSA has not adopted either of these recommendations for essentially the same reasons it has decided not to accept the "hot file" concept.

(d) CMVSA Disqualifications

Under section 205 of the NDR Act of 1982, each participating State is required to transmit to the NDR reports regarding individuals who are convicted of certain serious offenses or who lose or are denied driving privileges "for cause". In the NPRM, NHTSA proposed to define the term "for cause" to mean that the action was based on any violation listed in appendix A, an abbreviated listing of the violation codes included in the American National Standards Institute (ANSI) Standard D–20.1 (Data Element Dictionary for Traffic Records Systems). The NDR has been using this abbreviated list for the past twelve years to categorize the adverse actions submitted by States under the old NDR system. Three States and AAMVA recommend that pointer records for CDL disqualifications and withdrawals be placed on the NDR file. They assert that these disqualifications and withdrawals should be reported even if the individual retains his or her non-commercial driving privilege (such as when a person operates a commercial motor vehicle with a blood alcohol concentration of .04).

NHTSA agrees with this recommendation. In fact, the NPRM specifically stated that the agency was proposing to consider certain codes pertaining to commercial drivers to be "for cause", and appendix A of the NPRM included a number of violation codes which pertain to commercial driver disqualifications and withdrawals. As additional violation codes are established relating to commercial or non-commercial drivers, NHTSA will add them to the list by issuing **Federal Register** notices, if they are determined by the agency to be "for cause".

(e) All Adverse Actions

AAMVA and the NDRAC recommend that all revocations, suspensions, cancellations, and denials should be reported to the NDR without exception. They urge the agency to consider any such action to have been taken "for cause." In support of this recommendation, AAMVA cites a requirement in the CMVSA of 1986 that provides that, "State[s] shall not issue a commercial driver's license to a person during a period in which * * * the driver's license of such person is suspended, revoked, or cancelled." The Act does not exclude, AAMVA argues, any revocations or suspensions.

What AAMVA fails to mention, however, is that the CMVSA acknowledges specifically that the NDR maintains only those actions that were taken "for cause." Section 12009(a)(20) provides that, before issuing a commercial driver's license to a person, the State shall submit a request to the NDR for information on whether that person "has been disqualified," "convicted of any of the offenses specified in section 205(a)(3) (of the NDR Act)" or "had a (non-commercial) license suspended, revoked, or cancelled *for cause*." (Emphasis added.)

AAMVA indicates that this was the other issue, upon which its members could not agree. As AAMVA points out, "Some jurisdictions feel that it is absolutely necessary that all (suspensions and revocations) be reported, others feel that some should be optional, and still others feel that those listed as optional by the second group should not be allowed at all."

NHTSA believes that the codes it has excluded from the abbreviated list (such as suspension for failure to pay insurance) are of questionable utility to those served by the NDR, and States should not be required to submit this information. If a State chooses to submit reports on individuals affected by these actions, NHTSA will not refuse to accept them; however, the agency strongly discourages their submission, since these records could result in time delays and added expense to operate the NDR with questionable returns in safety benefits.

(f) Driver License Status Indicator

Earlier in this final rule, NHTSA indicates that it has decided that, instead of requiring that States maintain a Driver License Status Indicator (DLSI) on the NDR system, it will require instead that each State expand its Driver Status Response capability (mandated under CDLIS) to cover both commercial and non-commercial drivers. Here, we explain the agency's rationale for this decision.

In the NPRM, NHTSA proposed to require that States maintain a driver license status indicator (DLSI) on the NDR. Originally, the rationale for maintaining the DLSI was to enable the NDR to provide an initial quick response to the State of Inquiry (SOI) so that, for example, if the SOI is interactive and the SOR is not, the SOI would not have to wait up to several days to receive the status on a driver license applicant.

Another need for the DLSI was created when the NDR Act was amended to authorize employers, the Federal Aviation Administration (FAA) and the Federal Railroad Administration (FRA) to receive NDR information. Specifically, the NDR Act states that no record will be released to these users regarding an individual that has been on file for more than three years unless the individual is still under revocation or suspension at the time of inquiry. The DLSI was needed to enable the NDR to

determine whether or not to release information that is more than three years old

AAMVA and five States oppose this requirement, claiming that it defeats the purpose of establishing a pointer system. Since each State would have to update the DLSI, these commenters argue, its use could cause the same problems experienced in the old system: inaccurate information resulting from a dependency on States to update the NDR in a timely fashion. While NHTSA shares this concern, at the time the NPRM was published, no alternatives were readily apparent that would preclude the necessity to maintain the DLSI. However, with the development of CDLIS, another alternative has become available.

Under CDLIS, each State must have the capability, and is required, to respond interactively to driver status requests regarding commercial drivers from other States (the Driver Status Response feature). Therefore, there will no longer be a situation in which a SOI is interactive and a SOR is not. AAMVA recommends that NHTSA adapt this feature of CDLIS to the NDR. It urges that, instead of requiring that States maintain a DLSI on the NDR system, NHTSA should require that each State expand its Driver Status Response capability to cover both commercial and non-commercial drivers. A SOI could receive this information from a SOR within seconds, and NDR could access this information, also within seconds, when processing inquiries from requesters, such as employers and Federal agencies, to determine whether records on file for more than three years can be released.

This change is consistent with the pointer system concept of the NDR that inspired the 1982 Act, in that it would eliminate large volumes of State updates and the possibility of the NDR transmitting non-current information to the States. Accordingly, the DLSI requirement has been omitted in this final rule, and a new requirement has been added mandating that States expand their driver status response capability to cover both commercial and non-commercial drivers.

(g) Social Security Number

In accordance with section 205(b)(1)–(3) of the NDR Act, NHTSA proposed in the NPRM that records submitted to the NDR must contain certain identifying data. These data include, among other things, "The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number)."

AAMVA recommends instead that States should be *required* to collect the social security number (SSN), and submit it to the NDR, on the basis that the SSN is required under CDLIS. AAMVA recognizes, however, that a legislative change would be necessary to impose this requirement.

NHTSA believes that such a change is not warranted. The NDR match identification process does not use the SSN to recognize probable identification. This process has been used successfully for many years under the old NDR system, and the PDPS pilot test program, which used the NDR match identification process, demonstrated its accuracy.

2. Dual Record Reporting Requirement of the Transition Procedures

As discussed earlier in this final rule, the agency's NPRM proposed that the transition period from the old NDR to the new PDPS will continue until the Register system is "fully electronic," and this will occur when each State that has notified the agency of its intention to participate, is in fact participating in accordance with all statutory and regulatory conditions. The proposed regulation did not establish a date certain by which this must occur.

Three States and AAMVA recommend, however, that NHTSA should established a fixed future date by which all States must be converted and Delaware and AAMVA recommend that this date be set at April 1995. NHTSA has accepted this recommendation.

In the NPRM, NHTSA explained that, during the transition period, in order to provide full service to all States, the agency's transition regulation (23 CFR part 1325) requires that PDPS States must transit to the NDR both pointer records and records containing the full substantive adverse action data. Under that regulation, PDPS States must continue to submit dual records until 40 percent of the States are operating under PDPS, or until the establishment of a fully electronic Register system, whichever occurs first. After that time, PDPS States will be required to transmit pointer records only.

AAMVA and three States commenters argue that the dual record reporting requirement penalizes those States that become early participants and removes the incentive to convert early. AAMVA proposes that if 20 States could convert to the PDPS simultaneously, the dual reporting requirement could be avoided. Idaho argues with this approach.

NHTSA established the dual record reporting requirement based on a desire to maintain the current level of service to the non-PDPS States during the early stages of what we expected could be a rather prolonged implementation period. We recognized that this requirement would impose some burdens on the PDPS States and, therefore, provided that dual reporting would be discontinued once 40 percent of the States had converted to PDPS.

In view of the current prospects for an accelerated conversion schedule, however, due largely to the mandatory requirement that States check the NDR under the CMVSA of 1986 and the cutoff date established in this final rule, the agency agrees that there is no longer a need to require dual reporting. Appropriate changes to this and the Transition regulation (Parts 1327 and 1325, respectively) have been included in this final rule.

AAMVA includes one condition with its recommendation. It urges that NHTSA should permit jurisdictions to "phase-in" their PDPS implementation, as they can under CDLIS. For example, AAMVA indicates that States can implement an "Inquiry only" capability under CDLIS before they are fully participating. NHTSA's regulation would permit this type of "phase-in," provided that the State is fully participating (or has been granted an extension) by April 30, 1995.

The State of Missouri seems to believe that the transition period will end when 40% of the States are participating under PDPS. Based on this belief, the State expressed concern that 60% of the States could be left without any NDR support and recommends that service must be provided until at least April 1, 1992. Accordingly, NHTSA would like to provide clarification and dispel the misunderstanding that Missouri and others may have.

Under the agency's proposal, published in the NPRM, PDPS States would have been required to submit dual (pointer and substantive) records until such time as 40% of the States were participating in PDPS. After that time, those States would submit only pointer records. All States (PDPS and non-PDPS) would be served by the NDR during the transition period, which would end when each State that has notified the agency of its intention to participate, is in fact participating in accordance with all statutory and regulatory conditons.

These requirements have been changed in this final rule. PDPS States will not be required to submit dual records. Non-PDPS States will submit

substantive records to the NDR; PDPS States will submit pointer records. All States (PDPS and non-PDPS) will be served by the NDR during the transition period, which will end when each State that is participating in the NDR has been certified by the agency as a participating State under part 1327, or on April 30, 1995, whichever occurs earlier. After that time, States that have not been certified or granted an extension will not be permitted to participate at all. The NDR will neither serve nor accept records from a non-participating State, unless it has been granted an extension of time.

Iowa sought assurances, in its comments, that the Rapid Response System (RRS) will continue to be available until all States are participating in PDPS. RRS is a service currently provided by NDR, which permits non-PDPS States to communicate with the NDR interactively. This service will in fact continue to be provided during the entire transition period.

3. State of Inquiry Function on State's Own Behalf regarding First-time Non-minimum Age Driver License Applicants

(a) Inquiries Prior to Issuance

In the NPRM, NHTSA proposed that all States be required to, at a minimum, submit inquiries on all original non-minimum age applicants for licenses. AAMVA, California and Delaware recommend that the regulation specifically require that these inquiries be made prior to the issuance of a license. NHTSA accepts this recommendation and has incorporated it into this final rule.

(b) Driver Licensing and Driver Improvement Purposes

The agency proposed that States would be permitted, but not required, to submit other types of inquiries to the NDR, including requests for driver licensing and driver improvement purposes. In the NPRM, NHTSA proposed to define the term "driver licensing purposes" to mean requests made by State chief driver licensing officials to determine if individuals applying for original, renewal, temporary or duplicate licenses have had their driving privileges withdrawn in other States. We proposed to define the term "driver improvement purposes" to include requests submitted by State chief driver licensing officials in connection with the control and rehabilitation of drivers who are, based on their records, suspected of being or known to be problem drivers. We explained that this would include information requests related to court sentencing, i.e., requests on behalf of State court officials to determine, during sentencing proceedings for motor vehicle-related violations, whether the individual has license revocations, suspensions, convictions, or denials in other States. We requested comments on whether the public believes the agency should accept any additional types of NDR inquiries under the "driver improvement" category.

No such comments were received in response to the NPRM; however, one individual submitted comments prior to publication of the NPRM recommending that State police be authorized to request NDR information to be used in court proceedings. The agency agrees that the information should be available for use in these proceedings, but does not agree that State police need access in order to provide it to the court. We believe that NDR information should be obtained for this purpose through the chief driver licensing official of the State. Accordingly, no changes have been made to these proposed definitions.

(c) Interactive Communication

Although it does not affect this regulation, and was not raised in the NPRM, AAMVA and five States submitted comments regarding the mode in which transactions will be processed. Due to cost and system capacity, NHTSA has said, in the past, that NDR interactive service will be limited to original inquiries. Renewals, duplicates, and other inquiries, as well as updates, must be submitted in batch mode.

California and Ohio recommend that all States should be required to submit inquiries interactively. The other commenters urge that NHTSA should allow States to choose the mode (batch or interactive) in which their transactions (both inquiries and updates) will be processed, depending on their needs (such as for renewal inquiries for CDL applicants). Based on the fact that States have varying needs, AAMVA recommends that NHTSA should work out a separate agreement with each jurisdiction regarding the use of the interactive inquiry capability. AAMVA and Wisconsin point out that, even in instances where the NDR does not process a transaction, such as an update, interactively, it could receive the transaction in that mode, send an acknowledgement interactively and then process the update in whatever mode it deems appropriate. Accordingly, AAMVA suggests that these separate NHTSA/State agreements should specify the transactions that will be received interactively and those that will be processed interactively.

NHTSA agrees that interactive communication between the States and the NDR should be promoted and used whenever it is feasible to do so. In addition, NHTSA recently negotiated new contractual arrangements for NDR computer processing, which has resulted in significant reductions in transaction costs, making the cost of interactive communications less of an issue. Accordingly, NHTSA accepts the recommendation to work out separate agreements with each State regarding interactive and batch communication of data.

4. State of Inquiry Function on Behalf of Other Authorized Users

(a) Serving as a Middleman

NHTSA explained, in its NPRM, that section 206(b) of the NDR Act authorizes the following parties to receive NDR information: (1) The National Transportation Safety Board (NTSB) and the Federal Highway Administration (FHWA) for accident investigation purposes; (2) employers and prospective employers (including Federal agencies) regarding motor vehicle operators; (3) the Federal Aviation Administration (FAA) regarding any individual who has received or applied for an airman's certificate; (4) the Federal Railroad Administration (FRA) and employers or prospective employers regarding railroad locomotive operators; and (5) individuals who wish to learn what information about themselves, if any, is in the NDR file.

To receive NDR information under this section, however, the Act requires that these "transportation safety" requests must be submitted to the Register through a participating State. Accordingly, NHTSA proposed to define the term "transportation safety purposes" to include these requests and proposed to require that participating States provide for and establish routine procedures and forms to accept requests for NDR information from these other authorized NDR users.

AAMVA, the NDRAC and three States assert that, while non-Federal users should request NDR information through a participating State, Federal agencies should be authorized to submit requests directly to the NDR. Other States are opposed to their being required, as New York puts it, "to serve as a 'middleman' " for any of these requests at all. Some of these commenters, however, suggest that it might be feasible to allow States to

serve in this role on a voluntary basis. They indicate that the collection of fees for the service might serve as an incentive.

The requirement that non-State users of the NDR must submit requests through participating States was included in the Act to address the concerns by some groups regarding the privacy rights of individuals. NHTSA is sympathetic, however, to the views expressed in these comments and mindful of the burdens that may be imposed on the States. Since the Federal agencies authorized to receive NDR information are subject to the restrictions in both the NDR Act (section 208), and the Privacy Act of 1974 (5 U.S.C. 552a), NHTSA believes there is little reason to require that these users submit their requests through participating States. They should be authorized instead to request information directly from the NDR. Such authorization, however, must be granted by legislative amendment. NHTSA supports and has taken steps to initiate such a change. This legislative amendment has been incorporated into the Department's proposed "Surface Transportation Assistance Act of 1991," which was submitted to Congress on February 13, 1991. The amendment would allow each Federal user authorized to receive information from the NDR to request that information from the Register directly, rather than through a participating State. It would not otherwise expand the government's ability to receive NDR information. Until a legislative change is enacted, however, the regulation will stand, as proposed.

(b) Previous Arrangements with NTSB and FHWA

NHTSA proposed, in the NPRM, that before the NDR is fully electronic, requests from NTSB and FHWA must be submitted through "the State with which previous arrangements have been made." Once the NDR is fully electronic, these requests must be submitted through "the participating State with which previous arrangements have been made." Based on these statements, Missouri asks "Can it be assumed that the SOI function on behalf of NTSB and FHWA, if not previously arranged for, is not required in the future for States without previous arrangements?"

Both NTSB and FHWA have made arrangements with the District of Columbia, and are currently submitting their requests for NDR information through that jurisdiction. If, for whatever reason, these arrangements were to end, these agencies would have to make arrangements with another jurisdiction. Similarly, if the District of Columbia is not a participating State when the NDR becomes fully electronic, then NTSB and FHWA would have to make arrangements with a participating State. This could be any participating State.

(c) U.S. Coast Guard

In is comments, NTSB recommends that the U.S. Coast Guard and employers and prospective employers of merchant mariners should be authorized to receive NDR information in connection with their employment as operators of marine vessels. On August 18, 1990, Congress enacted the Oil Pollution Act of 1990, Public Law 101–380, which authorizes the Secretary of the department in which the Coast Guard is operating to receive NDR information regarding certain individuals. It does not authorize employers or prospective employers of these individuals to receive this information. NHTSA has revised this final rule to implement this change.

(d) Records To Be Released

Under the NDR Act of 1982, employers and prospective employers of motor vehicle and railroad operators, FAA, FRA and now Coast Guard may receive NDR information, but only regarding certain individuals and only when the request is initiated by that individual. The request must be made through a participating State. In the NPRM, NHTSA proposed that States must provide for and establish routine procedures and forms to accept these requests, and provided that the request could be made either by the individual or by the authorized user if the individual first consented to the search in writing. The request or the written consent form (whichever is used), we proposed, would have to contain certain elements, the first of which was identification of the records to be released.

Idaho and New York express concern about this element and state that, in the words of New York, "loose interpretation could allow the individual to specify that certain segments of the driving record not be released" and, in the words of Idaho, "State law dictates what information may be released". By proposing in the NPRM that the individual "identify the records to be released," the agency intended to require that the individual consent to the release of records from the NDR, as opposed to another system of records. In this final rule, NHTSA has revised the regulation to read: "state that NDR records are to be released", to prevent any misinterpretation of this provision.

(e) Requests for Individuals

In accordance with section 206(b) of the NDR Act, NHTSA's proposed regulation provided that participating States must provide for and establish routine procedures and forms to accept requests for NDR information from certain authorized NDR users. One such group of users are individuals, who are authorized by the Act to request NDR information through a State chief driver licensing official to determine whether the Register is providing any data regarding them and the accuracy of any such data. Individuals continue to be authorized also, by the Privacy Act of 1974, to request this information from the NDR directly.

New York asserts, "This is currently an NDR responsibility. Any attempt to transfer this responsibility to the individual States is unacceptable." This provision of the regulation is not intended to transfer the responsibility for these file checks to the States. The Act simply provides another means by which individuals can check the NDR for records pertaining to themselves. Individuals will still be authorized by the Privacy Act to submit requests for file checks directly to the NDR.

Arkansas seems to believe that the NPRM would allow individuals to receive State driver records directly from the NDR and objects, on that basis, that "driver information has always been available from the state of record." This comment is based on a misunderstanding of PDPS. Under PDPS, individuals may submit requests to the NDR (either directly or through a participating State) to determine whether the Register is providing any data regarding them and the accuracy of any such data. These individuals will not receive the State record, however, from the NDR; under PDPS, they will receive only the pointer record. To receive the actual driver record, individuals must continue to request this information from the State of Record identified by the NDR.

5. State of Record Function and Responses to Driver License Abstract Requests

NHTSA proposed in the NPRM that States must serve as a State of Record (SOR) to participate in the new NDR. As a SOR, the proposal provided that a State must: (1) Implement the necessary computer system and procedures to respond to requests for driver record information; (2) provide driver history summary information from its file to any SOI upon receipt of a request from either the SOI or the NDR; and (3)

forward a driver license abstract (DLA, or full motor vehicle record) to any SOI upon receipt of a request from either the SOI or the NDR, and to other authorized users upon receipt of a request directly from the user.

(a) Driver History Summary

As discussed earlier, in this final rule, a number of commenters strongly advise that the new NDR should match CDLIS operations as closely as possible. They also advise that certain NDR functions should be eliminated since AAMVAnet enables these functions to be performed without the NDR's involvement. Specifically, they suggest that CDLIS's Driver History Record (DHR) should replace NDR's Driver History Summary (DHS) and NDR should no longer initiate the request for this information from the SOR or relay the information to the SOI. Adoption of these changes, the commenters urge, would align the NDR process more closely with that of CDLIS already in place in most States, and make conversion to the new NDR much simpler.

The agency has decided to accept these recommendations. Accordingly, the NDR will not obtain the DHS from the SOR and relay it to the inquiring State. Rather, the SOI may request the DHR from the SOR directly (not through NDR). The SOR will be required to respond, directly to the SOI. Appropriate regulatory changes have been made.

The SOR will also be required to respond, as discussed in greater detail earlier in this final rule, to driver status requests. While the agency is requiring that States provide driver status responses interactively, however, we are not imposing such a requirement with regard to DHR responses. AAMVA points out that some States have difficulty responding interactively to requests for information as lengthy as the DHR, as some do not keep a person's driving history current and readily available for transmission. AAMVA recommends that the regulation require that the SOR respond to the DHR request within a certain number of days of the request (perhaps up to 72 hours). Since the NDR will no longer be directly involved in the exchange of DHR information, we believe it would be inappropriate for us to establish a response time requirement in this rule. However, we strongly encourage that States respond within a 72 hour period.

(b) Driver License Abstract

AAMVA requests that NHTSA require jurisdictions to develop and maintain the capability to provide Driver License Abstracts (DLA's). NHTSA believes it is outside of our statutory authority to require that States respond to requests for DLA's not resulting from a match with the NDR. However, by requiring States to respond to requests for DLA's when there is an NDR match, a requirement proposed in the NPRM and adopted in this final rule, States will be required to develop and maintain the capability to provide the DLA. We encourage States to respond to all authorized requests for DLA's, whether or not they result from a match with the NDR.

If a State has received a match from the NDR in response to a request on its own behalf, that State will continue to be able to submit a request through the NDR for the SOR to send a DLA. States will also have the option of submitting these requests directly.

Conditions and Procedures for Other Authorized Users of the NDR

The NPRM explained that the NDR Act of 1982 provides that certain non-State users are authorized to receive NDR information. These users were identified as: (1) NTSB and FHWA for accident investigation purposes; (2) employers and prospective employers regarding motor vehicle operators; (3) FAA regarding any individual who has received or applied for an airman's certificate; (4) FRA and employers or prospective employers regarding railroad locomotive operators; and (5) individuals who wish to learn what information about themselves, if any, is on the NDR file. The NPRM proposed that certain conditions be met by these other authorized users of the NDR. NHTSA received comments pertaining to this section of the NPRM.

1. U.S. Coast Guard

As mentioned previously, the NTSB recommends that the U.S. Coast Guard and employers and prospective employers of merchant mariners should be authorized to receive NDR information in connection with their employment as operators of marine vessels. On August 18, 1990, Congress enacted the Oil Pollution Act of 1990, Public Law 101-380, which authorizes the Secretary of the department in which the Coast Guard is operating to receive NDR information regarding certain individuals. It does not authorize employers or prospective employers of these individuals to receive this information. This portion of the agency's regulation has, therefore, been revised to implement this change.

2. American Trucking Associations (ATA)

The ATA expresses several concerns regarding this portion of the agency's proposal.

(a) Prior Written Consent.

ATA seemed to be unaware, prior to its review of NHTSA's NPRM, that the prior written consent of the individual would be required before an employer or prospective employer could receive NDR information. ATA suggests that this condition could, "open the way to effectively block access to NDR information if there should be a widespread concerted action by drivers and applicants to decline to sign the necessary authorization * * * (and) could lead to the diminution of the pool of driver-applicants."

NHTSA recognizes that this requirement could cause a certain amount of inconvenience to employers in the event drivers object to the NDR search. However, employers do have several options. For example, as provided in the NHTSA, individuals may submit their requests directly to the chief driver licensing official in their State, if they do not wish to consent to have their employer request the search. Another option that may be exercised by the employer, although it is one that we do not encourage, is to waive the NDR file check completely. NHTSA is without authority, however, under the NDR Act of 1982 and the Privacy Act of 1974, to permit employers to receive NDR information in the absence of an individual's request or prior written consent.

ATA also recommends that, if prior written consent from individuals is to be required, a standard format should be developed for employers to use. NHTSA agrees, and would encourage employers to standardize the format to be used for this purpose. The elements that must be contained in any such form are specified in this final rule.

(b) State in Which Individual is Licensed

Section 206(b)(2) of the NDR Act stipulates that any individual who is employed or who seeks employment as a driver of a motor vehicle may request the chief driver licensing official of the participating State "in which the individual is employed or seeks employment" to transmit information pertaining to him or her to the individual's employer or prospective employer. In the NPRM, NHTSA proposed to define the individual's State of employment as "the State in which the individual is licensed to drive a

motor vehicle," ATA urges that the definition of this term should be broadened to permit employers to request NDR information through any participating State, rather than just through the State in which the individual is licensed.

The definition for the term "State of employment" was first developed by the agency, based on the recommendations of the NDRAC, for use in the PDPS pilot test program. The agency reasoned that the "State of employment" would be required to verify the identity of individuals before processing a request for NDR information, and the State of licensure would be in the best position to make such verification. It was, therefore, believed that this definition would provide the greatest protection against improper disclosures. None of the pilot States objected to the definition in their written evaluations of the pilot test program, and NHTSA continues to believe that this is the best definition for the term. It has not been changed in this final rule.

(c) Substantive Information

The NPRM provided that, if there has been a match, employers will receive from the NDR, through a State, a response which includes the identification of the individual, the State where the adverse action information is maintained and the current license status of the individual.

ATA urges that employers should be authorized to receive also the detailed motor vehicle record, so that multiple inquiries need not be made. Under PDPS, however, the NDR will not contain this substantive information. It must be obtained instead from the SOR. In its NPRM, NHTSA had proposed that NDR would request limited substantive information (DHS) on behalf of a SOI and relay the response, without interception. As discussed earlier in this final rule, however, the agency has decided to abandon this practice. Accordingly, all users of the NDR, States and non-States alike, must submit a separate request for the substantive information.

In addition, as discussed earlier in this final rule, States will no longer be required to maintain driver license status information on the NDR, and NDR pointer records will no longer contain this information. Accordingly, under this final rule, employers (and other non-State users of the NDR) will not receive status information. The pointer record, that they will receive, will contain only identifying information concerning the individual and the State where the adverse action information is maintained.

Privacy Considerations

In the NPRM, the agency stated that since most of the NDR data are already in the public domain at the State level, and consequently are not highly sensitive, an intensive degree of security is not required to protect individuals' right to privacy. Two States took exception to these statements. New York indicates that its medical information is not divulged publicly, and Arkansas states that its driver records and abstracts may be furnished only to certain parties authorized to receive them under State law. Arkansas recommends that the rule should be amended to permit the release of this information only to those individuals who are authorized to receive it under the State law where the records are maintained.

With regard to New York's comment, NHTSA did not state, in its NPRM that all State records are publicly available. Rather, we stated that most NDR information is in the public domain. The NDR PDPS will not contain medical, just pointer, information. With regard to the comments of the State of Arkansas, it is our view that each of the parties authorized to receive NDR information under the NDR Act of 1982, would also be authorized to receive driver records and abstracts under the Arkansas statute. Each of these parties is either a government agency, an employer of a driver or a person who has been authorized in writing to receive the record by the driver. Accordingly, NHTSA believes Arkansas' suggested change to the rule is unnecessary.

In addition, NHTSA wishes to remind these States and others concerned with the privacy rights of individuals identified in the NDR, that the Register is a Privacy Act system of records. Therefore, whatever privacy considerations are warranted will be enforced, and appropriate security measures will be required. As mentioned in the agency's NPRM, the shift from the current NDR system to PDPS will provide additional protections to the privacy rights of individuals, for example, by reducing the size of the database from a full substantive record to a pointer record file and by changing custody of the data from the Federal government to the States.

Economic and Other Impacts

NHTSA has analyzed the effect of this action and has determined that it is not "major" within the meaning of Executive Order 12291, but is "significant" within the meaning of Department of Transportation regulatory policies and procedures. In its NPRM, the agency indicated that it anticipates that, to participate, some States will have to upgrade their computer systems, but that this upgrade may be for purposes broader than their participation in the NDR, e.g., the Commercial Driver's License Information System for which interactive communication is required.

In its comments, Maryland indicates that it will require additional data processing upgrades to participate in PDPS, over and above those adopted to comply with CDLIS. Arizona states that, while its implementation of the CDLIS will make conversion to PDPS less costly, it expects to incur additional programming, personnel and system line costs of between $200,000 and $300,000.

In this rule, as discussed in detail above, NHTSA has made a number of changes to its original proposal in an effort to make the new NDR as compatible as possible with CDLIS. These changes should make the conversion to the new NDR much simpler for the States, simplify NDR operations, and reduce State conversion and operating costs. In addition, NHTSA intends to provide technical assistance to the States, which should also reduce their expenses. It was suggested by AAMVA and others that the agency should establish a "Help Desk," as FHWA did to provide assistance in connection with CDLIS. AAMVA also suggested that NHTSA should hold a workshop on the final rule after it is issued, to discuss the rule and its impact on the community. NHTSA appreciates and will consider these suggestions. We will make a decision regarding the specific type of assistance to offer based on the availability of funds and the needs of the NDR community.

Arkansas suggests that there will be an additional financial impact of this rule. It seems to believe that the NDR will be providing driver abstracts and records directly to authorized users of the system, free of charge, which will result in lost revenues for the State. This comment is based on a misunderstanding of the manner in which the NDR will operate. The NDR will not release, or even have access to, this driver information. The NDR will retain and disclose only pointer records. To obtain driver abstracts and records, authorized users will still be required to submit requests to States of Record, and this rule does not prohibit a State from charging user fees. The agency does not foresee that any revenues will be lost by participating in the NDR program.

Because there will not be a significant economic effect from this rule, a regulatory evaluation is not necessary

In accordance with the Regulatory Flexibility Act, the Agency has evaluated the effects of this rule on small entities. Based on that evaluation, I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. The procedures set forth in the rule apply primarily to State driver licensing agencies of States that participate in the NDR. While the rule also provides procedures for employers of motor vehicle and locomotive operators, some of which may be small entities, it does not place any mandatory requirements on these entities to utilize the services offered by the NDR. In addition, the economic impacts to these entities would amount only to the minimal cost of sending inquiries to and receiving responses from the NDR through participating States.

The agency has also analyzed this action for the purpose of the National Environmental Policy Act. The agency has determined that this action will not have any effect on the human environment.

Federalism Assessment

The agency has analyzed this action under the principles and criteria of Executive Order 12612 and has determined that the rule does not have any federalism implications. The NDR does not interfere or preempt State licensing functions. Rather, it provides a service which enhances the State's ability to administer these functions. In fact, the States have been among the NDR's strongest supporters.

Information Collection Requirements

The reporting requirements in this rule are considered to be information collection requirements as that term is defined by the Office of Management and Budget (OMB) is 5 CFR part 1320. Accordingly, these requirements have been submitted to and approved by OMB, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq). These requirements have been approved through June 30, 1991; OMB 2127–0001.

List of Subjects in 23 CFR Parts 1325 and 1327

Driver licensing, Driver records, Transportation safety, National Driver Register, Highway safety.

In accordance with the foregoing, title 23 of the CFR is amended as follows:

PART 1325—TRANSITION PROCEDURES FROM CURRENT TO NEW NATIONAL DRIVER REGISTER

1. The authority citation for part 1325 is revised to read as follows:

Authority: Pub. L. 97–364, 96 Stat. 1740, as amended (23 U.S.C. 401 note).

§ 1325.2 [Amended]

2. Section 1325.2 is amended by adding after the phrase "fully electronic Register system" the following: ", but not later than April 30, 1995".

§ 1325.3 [Amended]

3. Section 1325.3 is amended by adding the word "and" before the phrase "color of eyes" and removing ", and color of hair" after that phrase in paragraph (b) (1); adding the word "and" at the end of paragraph (b)(2); replacing the word "and" at the end of paragraph (b)(3) with the symbol "." and removing paragraph (b)(4).

4. Section 1325.3 is amended by revising paragraph (f) and adding paragraph (g) as follows:

§ 1325.3 Definitions.

* * * * *

(f) *Fully Electronic Register System*—NDR system in which all States that are participating in the NDR have been certified by the agency as participating States.

(g) *Participating State*—A State that has notified the agency of its intention to participate in the PDPS and has been certified by the agency as being in compliance with the requirements of the NDR Act of 1982 and § 1327.5 of this part.

5. Section 1325.4 is amended by removing paragraph (a)(2) and redesignating paragraph (a)(1) as paragraph (a) and replacing the phrase "the adverse action" in paragraph (c)(1) with the words "driver status". The section is further amended by revising paragraph (d)(2) and the second sentence of paragraph (e)(2) as follows:

§ 1325.4 General transition procedures.

(d) * * *

(2) When a match occurs with a record on file from a PDPS State, the non-PDPS State of Inquiry will receive the pointer record response from the NDR.

* * * * *

(e) * * *

(2) * * * Requests from PDPS States may also be for the purposes of State driver improvement or transportation safety, as those terms are defined in 23 CFR 1327.3.

6. A part 1327 is added as set forth below.

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

Sec.

1327.1 Scope.
1327.2 Purpose.
1327.3 Definitions.
1327.4 Notification procedures.
1327.5 Conditions for becoming a participating State.
1327.6 Conditions and procedures for other authorized users of the NDR.

Appendix A to Part 1327—Abridged Listing of the American Association of Motor Vehicle Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials and Withdrawals

Appendix B to Part 1327—OMB Clearance

Authority: Pub. L. 97–364, 96 Stat. 1740, as amended (23 U.S.C. 401 note); delegation of authority at 49 CFR 1.50.

§ 1327.1 Scope.

This part provides procedures for States to participate in the National Driver Register (NDR) Problem Driver Pointer System (PDPS) and for other authorized parties to receive information from the NDR. It includes, in accordance with section 204(c) of the NDR Act of 1982 (Pub. L. 97–364), procedures for a State to notify the Secretary of Transportation of its intention to be bound by the requirements of section 205 of the Act (i.e. requirements for reporting by chief driver licensing officials) and for a State to notify the Secretary in the event it becomes necessary to withdraw from participation. The rule also contains the conditions for becoming a participating State as well as conditions and procedures for other authorized users of the NDR.

§ 1327.2 Purpose.

The purpose of this part is to implement the NDR Act of 1982, as amended.

§ 1327.3 Definitions.

(a) *Driver History Record* means a detailed description of an individual's driver record, used in the American Association of Motor Vehicle Administrators' Commercial Driver's License Information System (CDLIS).

(b) *Driver Improvement Purposes* means information requests made by chief driver licensing officials in connection with the control and rehabilitation of drivers who are, based on their records, suspected of being or known to be problem drivers.

(c) *Driver License Abstract* means the complete driver history of a driver's

convictions, revocations, suspensions, denials, cancellations, accidents and interactions with the driver control and driver improvement authorities. Also known as Motor Vehicle Record (MVR) or Transcript.

(d) *Driver Licensing Purposes* means information requests made by chief driver licensing officials to determine if individuals applying for original, renewal, temporary, or duplicate licenses have had their driving privileges withdrawn in some other State.

(e) *Driver Status Response* means a response which indicates whether a driver currently holds a valid license.

(f) *For Cause* as used in § 1327.5(a) means that an adverse action taken by a State against an individual was based on any violation listed in Appendix A, an Abridged Listing of the American Association of Motor Vehicle Administration (AAMVA) Violations Exchange Code, which is used by the NDR for recording license denials and withdrawals.

(g) *Fully Electronic Register System* means an NDR system in which all States that are participating in the NDR have been certified by the agency as participating States.

(h) *Interactive Communication* means an active two-way computer connection which allows requesters to receive a response from the NDR almost immediately.

(i) *Match* means the occurrence when the personal identifying information in an inquiry compares with the personal identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person. See Probable Identification.

(j) *Non-Minimum Age Driver License Applicant* means a driver license applicant who is past the minimum age to apply for a license in the State making an NDR inquiry.

(k) *Non-PDPS State* means a State which operates under the old NDR by submitting complete substantive adverse driver licensing data to the NDR.

(l) *Participating State* means a State that has notified the agency of its intention to participate in the PDPS and has been certified by the agency as being in compliance with the requirements of the NDR Act of 1982 and § 1327.5 of this part.

(m) *Pointer Record* means a report containing the following data:

(1) The legal name, date of birth (including month, day, and year), sex, (and if the State collects such data) height, weight, and color of eyes;

(2) The name of the State transmitting such information; and

(3) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number).

(n) *Probable Identification* means the occurrence when the personal identifying information in an inquiry compares with the identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person. See Match.

(o) *Problem Driver Pointer System (PDPS)* means a system whereby the NDR causes information regarding the motor vehicle driving records of individuals to be exchanged between the State which took adverse action against a driver (State of Record) and the State requesting the information (State of Inquiry).

(p) *PDPS State* means a State which participates in the PDPS by submitting pointer records for inclusion in the NDR file and by providing information to States of Inquiry as a State of Record.

(q) *Rapid Response System* means an interactive inquiry capability of the NDR system used by non-PDPS States.

(r) *Remote Job Entry* means an automated communication method in which information is transmitted in batches (usually a large number of records) and responses are also transmitted in batches, all within a 24-hour period.

(s) *State of Inquiry* means the State submitting an inquiry to the NDR to determine if it contains information regarding a driver license applicant.

(t) *State of Record* means the State which took an adverse action against a driver and transmitted identification data regarding the driver to the NDR, in accordance with § 1327.5(a) of this part.

(u) *Substantive Adverse Action Data, substantive adverse driver licensing data* and *substantive data* mean data which give the details regarding a State's revocation, suspension, denial or cancellation of a driver's license, or the conviction of a driver, such as date, reason, eligible/restoration date, etc.

(v) *Transportation Safety Purposes* means information requests submitted on behalf of other parties authorized by the NDR Act of 1982, as amended, to receive NDR information.

(w) *Transition Period* means the period which began on July 11, 1985 and will continue until a fully electronic register system is established, but not later than April 30, 1995.

§ 1327.4 Notification procedures.

(a) *Participation.* (1) The chief driver licensing official of a State that wishes to participate in the NDR under the Problem Driver Pointer System (PDPS) shall send a letter to the National Highway Traffic Safety Administration (NHTSA) certifying that the State wishes to be considered a participating State, that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and § 1327.5 of this part, and what conversion steps, if any, it has already completed.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt and provide detailed instructions to the State of the steps to be taken for converting and operating under the PDPS.

(3) NHTSA will establish a schedule for providing assistance to the States during their conversion process. The agency will assign priorities to the States based on the order in which complete notifications are received. In the event two or more complete notifications are received on the same date, the agency will assign priorities based on those States' relative stage of development towards completing the conversion process. A State's stage of development will be determined based on which one of the following groups it falls into, listed in descending order of priority, i.e., the first group will receive the highest priority, the second group will receive the next highest priority, etc.

(i) States that participated in the PDPS pilot test program (North Dakota, Ohio, Virginia and Washington);

(ii) States that have implemented the Rapid Response System;

(iii) States that have implemented the Commercial Motor Vehicle Safety Act (CMVSA) requirements and intend to participate in the NDR interactively;

(iv) States that have implemented the CMVSA requirements and intend to participate in the NDR using remote job entry;

(v) States that have not progressed to one of the above stages.

(4) The chief driver licensing official of each State that has notified the agency of its intention to become a participating State will, at such time as it has completed all conversion steps, certify this fact to the agency.

(5) Upon receipt, review and approval of certification from the State, NHTSA shall certify the State as a participating State under PDPS.

(b) *Termination or cancellation.* (1) If a State finds it necessary to discontinue participation, the chief driver licensing official of the participating State will

notify the agency in writing, providing the reason for terminating its participation.

(2) The effective date of termination will be no less than 30 days after notification of termination.

(3) NHTSA will notify any participating State that changes its operations such that it no longer meets statutory and regulatory requirements, that its certification will be withdrawn if it does not come back into compliance within 30 days from the date of notification.

(4) If a participating State does not come back into compliance with statutory and regulatory requirements within the aforementioned 30-day period, NHTSA will send a letter to the chief driver licensing official cancelling its certification.

(5) NHTSA will remove all records on file and will not accept any inquiries or reports from a State whose participation in the NDR has been terminated or cancelled.

(6) To be reinstated as a participating State after being terminated or cancelled, the chief driver licensing official shall follow the notification procedures in subparagraphs (a)(1) and (4) of this section.

(7) NHTSA will re-certify a State as a participating State upon determining that the State complies with the statutory and regulatory requirements for participation, in accordance with paragraphs (a)(2), (3) and (5) of this section.

(c) *After transition period ends.* (1) After the transition period ends, only participating States may participate in the NDR. NHTSA will remove all records on file and will not accept any inquiries or reports from a State that has not been certified as a participating State at that time, unless the agency has granted the State an extension of time in accordance with the remainder of this paragraph.

(2) If a State will not be certified as a participating State by April 30, 1995, but wishes to continue participating in the NDR, it may request an extension of time. The State request shall:

(i) Be submitted, by February 28, 1995, to the Office of Chief Counsel, NCC–30, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(ii) Set forth the reasons for the request, the length of the extension requested and a plan showing how conversion will be completed by the proposed extension deadline.

(3) Upon receipt and review of the request, NHTSA will notify the State in writing of the agency's decision to grant or deny the request.

(4) A request for a renewal of an extension of time must be received by the agency no later than 30 days prior to the termination of the extension of time granted by the agency. A request for a renewal of an extension of time must meet the same requirements as the original request for an extension of time.

(5) If a request for a renewal of the extension of time which meets the requirements of § 1327.4(c)(2) is filed, the extension of time will continue until a decision is made on the renewal request.

§ 1327.5 Conditions for becoming a participating State

(a) *Reporting requirements.* (1) The chief driver licensing official in each participating State shall transmit to the NDR a report regarding any individual—

(i) Who is denied a motor vehicle operator's license by such State for cause;

ii) Whose motor vehicle operator's license is canceled, revoked, or suspended by such State for cause; or

(iii) Who is convicted under the laws of such State of the following motor vehicle-related offenses or comparable offenses—

(A) Operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) Failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) Perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

(2) Any report regarding any individual which is transmitted by a chief driver licensing official pursuant to this requirement shall contain the following data:

(i) The legal name, date of birth (including day, month, and year), sex, (and if the State collects such data) height, weight, and color of eyes;

(ii) The name of the State transmitting such information; and

(iii) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number); except that

(iv) Any report concerning an occurrence identified in paragraph (a)(1) of this section which occurs during the two-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

(3) These records, defined as pointer records, shall be transmitted by the chief driver licensing official to the NDR not later than 31 days after the adverse action information is received by the motor vehicle department or 6 months after the date on which such State becomes a participating State.

(4) No State will be required to report information concerning an occurrence which happened before the two-year period preceding the date on which the State becomes a participating State.

(b) *State of inquiry function for driver licensing and driver improvement purposes.* (1) The chief driver licensing official of a participating State shall submit an inquiry to the NDR for each first-time, non-minimum age driver license applicant before issuing a license to the applicant.

(2) The chief driver licensing official of a participating State may submit inquiries for other driver licensing and driver improvement purposes.

(c) *State of inquiry function for transportation safety purposes (on behalf of other authorized users).* The chief driver licensing official of a participating State shall provide for and establish routine procedures and forms to accept requests for NDR file checks from the following groups which are authorized to receive information from the NDR file through participating States:

(1) National Transportation Safety Board (NTSB) and Federal Highway Administration (FHWA) for accident investigation purposes. The Chairman of the NTSB and/or the Administrator of the FHWA shall submit requests for NDR searches in writing through the participating State with which previous arrangements have been made to process these requests. The chief driver licensing official shall provide to the requesting agency the NDR response indicating either Probable Identification (match) or No Record Found. In the case of a probable identification, the State of Record will also be identified in the response so that the NTSB or FHWA may obtain additional information regarding the individual's driving record.

(2) Employers and Prospective Employers of individuals licensed to drive a motor vehicle in the State (including Federal Agencies); Federal Aviation Administration regarding any individual who has applied for or received an airman's certificate; the

Federal Railroad Administration and employers/prospective employers regarding individuals who are employed or seeking employment as railroad locomotive operators; and the U.S. Coast Guard regarding any individual who holds or who has applied for a license or certificate of registry under section 7101 of title 46 of the U.S. Code, or a merchant mariner's document under section 7302 of that title.

(i) The procedures or forms developed by the chief driver licensing official to facilitate NDR searches for these authorized users shall provide for the request to be made by the individual or by the authorized user if the individual first consented to the search in writing. Any request to the chief driver licensing official and any written consent by the individual shall:

(A) State that NDR records are to be released:

(B) Specifically state who is authorized to receive the records;

(C) Be signed and dated by the individual or the individual's legal representative;

(D) Specifically state that the authorization is valid for only one search of the NDR; and

(E) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(ii) Any request made by an authorized user may include, in lieu of the actual information described in paragraphs (c)(2)(i) (C) through (E) of this section, a certification that a written consent was signed and dated by the individual or the individual's legal representative, specifically stated that the authorization is valid for only one search of the NDR, and specifically stated that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(iii) The chief driver licensing official shall provide to the authorized user a response indicating either Probable Identification (match) or No Record Found. In the case of probable identification, the State of Record will also be included in the response so that the authorized user may obtain additional information regarding the individual's driving record.

(3) Individuals who wish to learn what information about themselves, if any, is in the NDR file, or whether and to whom such information has been disclosed.

(i) Upon receiving a request for an NDR search from an individual for information concerning himself or herself, the chief driver licensing official shall inform the individual of the procedure for conducting such a search and provide the individual a request form which, when properly completed, will be forwarded to the NDR either by the chief driver licensing official or by the individual.

(ii) The request form provided by the chief driver licensing official to the individual must provide for the following:

(A) Full legal name;

(B) Other names used (nicknames, professional name, maiden name, etc.);

(C) Month, day and year of birth;

(D) Sex;

(E) Height;

(F) Weight;

(G) Color of eyes;

(H) Social Security Number (SSN) and/or driver license number (provision of SSN is voluntary);

(I) Individual's full address;

(J) Home and office telephone number (provision of telephone number is voluntary);

(K) Signature;

(L) Proof of identification—Acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State; and

(M) Notarization—This is required only if the individual chooses to mail the request directly to the NDR.

(iii) Upon receipt of the individual's request for a NDR file check, NHTSA will search its computer file and mail the results (i.e., notification of no record found or copies of any records found) directly to the individual.

(iv) The chief driver licensing official shall advise the requesting individual to contact the Chief, National Driver Register by mail or telephone for guidance regarding the procedure for alteration or correction of NDR-maintained records in the event he or she believes they are incorrect.

(d) *State of record functions.* The chief driver licensing official of a participating State shall implement the necessary computer system and procedures to respond to requests for driver record information. When a request to the NDR results in a match, the chief driver licensing official of a participating State shall also:

(1) Provide a driver status response interactively to the State of Inquiry or the NDR upon receipt of a request for this response from the NDR;

(2) Provide a Driver History Record from its file to the State of Inquiry upon receipt of a request for this record from the State of Inquiry; and

(3) Forward a driver license abstract (full motor vehicle record) to the State of Inquiry upon receipt of a request for this record either from the NDR or directly from the State of Inquiry, and to other authorized users upon receipt of a request directly from the user.

§ 1327.6 Conditions and procedures for other authorized users of the NDR.

(a) *NTSB and FHWA.* To initiate an NDR file check before a fully electronic Register system has been established, the National Transportation Safety Board or the Federal Highway Administration (Office of Motor Carriers) shall submit a request for such check to the State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose. To initiate an NDR file check once a fully electronic Register system has been established, the NTSB or FHWA shall submit a request for such check to the participating State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose.

(b) *Employers or prospective employers of motor vehicle operators (including Federal Agencies).* (1) To initiate an NDR file check, the individual employed or seeking employment as a motor vehicle operator shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of the participating State in which he or she is licensed to operate a motor vehicle in accordance with procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, his or her employer/prospective employer to request a file check through the chief driver licensing official of the participating State in which the individual is licensed to operate a motor vehicle in accordance with the procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate),

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the employer/prospective employer verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the employer/prospective employer shall make the information available to the employee/prospective employee.

(4) In the case of a match (probable identification), the employer/prospective employer should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the employee/prospective employee before using the information as the basis for any action against the individual.

(c) *Federal Aviation Administration.* (1) To initiate an NDR file check, the individual who has applied for or received an airman's certificate shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the FAA to request the file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that is recommended, but not required, that the FAA verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the FAA shall make the information available to the airman for review and written comment.

(4) In the case of a match (probable identification), the FAA should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the airman concerned before using the information as the basis for any action against the individual.

(d) *Federal Railroad Administration and/or employers or prospective employers of railroad locomotive operators.* (1) To initiate an NDR file check, the individual employed or seeking employment as a locomotive operator shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by the State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the FRA or his or her employer/prospective employer, as applicable, to request a file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the employer/prospective employer or the FRA verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the FRA or the employer/prospective employer, as applicable, shall make the information available to the individual.

(4) In the case of a match (probable identification), the FRA or the employer or prospective employer, as applicable, should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as the basis for any action against the individual.

(e) *U.S. Coast Guard.* (1) To initiate an NDR file check, the individual who holds or who has applied for a license or certificate of registry, or a merchant mariner's document, shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the U.S. Coast Guard to request a file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require inquiry for verification; that is recommended, but not required, that the U.S. Coast Guard verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the U.S. Coast Guard shall make the information available to the individual for review and written comment before denying, suspending or revoking the license, certificate of registry, or merchant mariner's document of the individual based on that information and before using that information in any action taken under chapter 77 of title 46, U.S. Code.

(4) In the case of a match (probable identification), the U.S. Coast Guard should obtain the substantive date relating to the record from the State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as a basis for any action against the individual.

(e) If a third party is used by any of the above authorized users to request the NDR check, both the individual concerned and an authorized representative of the authorized user organization shall sign a written consent authorizing the third party to act in this role. The written consent must:

(1) State that NDR records are to be released;

(2) State as specifically as possible who is authorized to request the records, and that such party is not authorized to receive NDR information;

(3) Be signed and dated by the individual (or legal representative as appropriate) and an authorized representative of the authorized user organization;

(4) Specifically state that the request authorization is valid for only one search of the NDR; and

(5) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy. The third party may not, however, receive the NDR response to a file search.

(f) *Individuals.* (1) When a check of the NDR is desired by any individual in order to determine whether the NDR is disclosing any data regarding him or her or the accuracy of such data, or to obtain a copy of the data regarding him or her, the individual shall submit his or her request to a participating State in accordance with the procedures established by that State for this purpose.

(2) The individual will be asked to provide the following information to the chief driver licensing official in order to establish positive identification:

(i) Full legal name;

(ii) Other names used (nickname, professional name, maiden (name, etc.);

(iii) Month, day and year of birth;

(iv) Sex;

(v) Height;

(vi) Weight;

(vii) Color of eyes;

(viii) Driver license number and/or Social Security Number (SSN) (provision of SSN is optional);

(ix) Full address;

(x) Signature;

(xi) Proof of identification (acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State); and

(xii) Notarization (this is required only if the individual chooses to mail the request directly to the NDR).

(3) Individuals are authorized also, under the Privacy Act of 1974, to request such information directly from the NDR.

(4) Individuals seeking to correct an NDR-maintained record should address their request to the chief of the National Driver Register. When any information contained in the Register is confirmed by the State of Record to be in error, the NDR will correct the record accordingly and advise all previous recipients of the information that a correction has been made.

Appendix A to Part 1327—Abridged Listing of the American Association of Motor Vehicle Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials and Withdrawals

Code

DI Driving While Intoxicated Violations Pertaining to Intoxicants

DI1 Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.

DI2 Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use.

DI3 Refusal to submit to test for alcohol after arrest for driving while intoxicated or suspicion of intoxication.

DI4 Illegal possession of alcohol or drugs in motor vehicle.

DI5* Administrative per se.

DI6* Driving while impaired.

DI7* Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance.

DS Disability

DS1 Inability to pass one or more tests required for driver license.

DS2 Operating a motor vehicle improperly because of physical or mental disability.

DS3 Failure to discontinue operating vehicle after onset of physical or mental disability (including uncontrollable drowsiness).

FA Fatality

FA1 Violation of a motor vehicle law resulting in the death of another person.

FE Felony

FE1 Using a motor vehicle as the device for committing a felony.

FE2 Using a motor vehicle in connection with a felony.

FE3 Using a motor vehicle to aid and abet a felon.

FE4* Using a commercial motor vehicle in the commission of a felony.

FE5* Using a commercial motor vehicle in the commission of a felony while transporting a hazardous material.

FR Financial Responsibility

FR1 Unsatisfied judgment.

FR2 Failure to meet requirements for the security-following-accident provisions of the FR law.

FR3 Failure to file future proof of financial responsibility following conviction for violation of motor vehicle law.

FR4 Failure to file future proof of financial responsibility as required under any other provision of the FR law.

FR5 Failure to maintain required compulsory liability insurance.

HR Hit and Run
Leaving the Scene
Evading Arrest

HR1 Failure to stop and render aid after involvement in accident resulting in bodily injury.

HR2 Failure to stop and reveal identity after involvement in accident resulting in property damage only.

HR3 Leaving the scene of an accident after providing aid or identity but before arrival of police.

HR4 Evading arrest by fleeing the scene of citation or roadblock.

HR5 Evading arrest by extinguishing lights (when lights required).

HR6* Leaving the scene of an accident involving a commercial motor vehicle operated by such person.

HV** Habitual Violator
Not an AAMVA code. For NDR use only.

MR Misrepresentation
Contributory Violations

MR1 Misrepresentation of identity or other facts to obtain a driver license. (If registration or title involved, see RT.)

MR2 Displaying a driver license which is invalid because of alteration, counterfeiting, or withdrawal (revocation, suspension, etc.).

MR3 Displaying the driver license of another person.

MR4 Loaning a driver license.

MR5 Obtaining or applying for a duplicate driver license during withdrawal.

MR6 Misrepresentation of identity or other facts to avoid arrest or prosecution.

RK Reckless, Careless, or Negligent Driving

RK1 Heedless, willful, wanton, or reckless disregard of the rights or safety of others in operating a motor vehicle, endangering persons or property.

RK2 Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property.

RK3 Transporting hazardous substances without required safety devices or precautions.

RV Repeated Violations

RV1 Recurrence of violations requiring mandatory action of the licensing authority as specified by law.

RV2 Accumulation of violations resulting in mandatory action of the licensing authority because of statutory point system.

RV3 Accumulation of violations resulting in discretionary action by the licensing authority.

RV4 Committing serious traffic violation involving a commercial motor vehicle operated by such person.

SP Speeding

SP1 Contest racing on public trafficway.

SP2 Prima facie speed violation or driving too fast for conditions.

SP3 Speed in excess of posted maximum.

SP5 Operating at erratic or suddenly changing speeds.
SP6* Excessive speeding in a commercial vehicle.
Unsatisfied Judgment (See FR)
VR Violation of Restriction
Licensing Requirements
VR1 Driving while revoked.
VR2 Driving while suspended.
VR3 Driving while license denied.
VR5 Operating without being licensed or without license required for type of vehicle operated.
VR6 Allowing an unlicensed operator to drive.

*Recommended to AAMVA in response to a ballot on approval of a revision to the American National Standards Institute (ANSI) D20.1, "States' Model Motorist Data Base".

**Habitual Violator (HV) code was added to the AAMVA Violations Exchange Code by the NDR to accommodate the many States who enacted an HV law after the AAMVA Violations Exchange Code was developed. To be adjudged a Habitual Violator normally requires having been convicted of three major violations.

Appendix B to Part 1327—OMB Clearance

The OMB clearance number of this regulation is OMB 2127–0001.

Issued on: August 13, 1991.

Jerry Ralph Curry,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 91–19771 Filed 8–19–91; 8:45 am]
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federal register

Tuesday
August 20, 1991

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 107 and 108
Employment Standards; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107 and 108

[Docket No. 26522; Amdt. Nos. 107-6 and 108-10]

RIN 2120-AD95

Employment Standards

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This rule establishes minimum standards for the hiring, continued employment, and contracting for air carrier and airport employees engaged in security-related activities. The requirements in this rule respond to the Aviation Security Improvement Act of 1990. The requirements are intended to enhance the effectiveness of U.S. civil aviation security systems in providing safety and security from terrorism and other criminal acts against civil aviation to passengers of U.S. Air carriers.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Robert J. Cammaroto, Office of Policy and Planning (ACP-1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-7723.

SUPPLEMENTARY INFORMATION:

Background

The destruction of Pan American World Airways Flight 103 on December 21, 1988, by a terrorist bomb while in flight above Lockerbie, Scotland, resulted in the loss of 270 lives and remains the worst aviation disaster of its kind in U.S. civil aviation history. The U.S. Government's response to this tragedy included the establishment, by President Bush on August 4, 1989, of the President's Commission on Aviation Security and Terrorism (Commission). The Commission was tasked with making an assessment of the overall effectiveness of the U.S. civil aviation security system.

The Commission, in its final report filed on May 15, 1990, made a number of recommendations to the President for improvement of the U.S. civil aviation security program which is administered by the FAA's Office of Civil Aviation Security. Many of the recommendations addressed enhanced security procedures that had been or subsequently were implemented by the FAA on its own initiative. Others required legislative action. Subsequent to the Commission's report, Congress enacted the Aviation Security Improvement Act of 1990 (Pub. L. 101-604), which was signed by President Bush on November 16, 1990.

Section 105(a) of the Aviation Security Improvement Act amends section 316 of the Federal Aviation Act of 1958 (Pub. L. 85-726) (FA Act) by adding a new subsection "(h)," captioned "Employment Standards." This subsection directs the FAA Administrator to prescribe minimum standards for the hiring and continued employment of air carrier and airport security personnel, including contractor personnel. The prescribed standards must address training and retraining requirements, language skills, staffing levels, and education levels.

The FAA's response to this mandate resulted in a notice of proposed rulemaking (NPRM), Notice No. 91-9 (56 FR 13552; April 2, 1991). In the NPRM, the FAA proposed that parts 107 and 108 of the Federal Aviation Regulations (FAR) (14 CFR parts 107, 108) be amended by adding minimum employment standards as required by the Aviation Security Improvement Act. Part 107 prescribes FAA airport security regulations, and part 108 prescribes airplane operator security regulations. The proposed rule included general and specific security standards. Security-sensitive information was shielded from disclosure. Such security-sensitive information routinely is restricted to non-public security programs required of airport operators under § 107.3 and air carriers under § 108.5 of the FAR.

These security programs are protected from disclosure by the provisions of part 191, which implements section 316(d)(2) of the FA Act (49 U.S.C. 1357(d)(2)).

Discussion of Comments

As of May 9, 1991, 42 commenters had responded to Notice 91-9. Commenters included 23 airport operators and airport authorities, 10 employee groups, 3 public interest groups, an air carrier, a medical laboratory, and 4 individuals. The comments are summarized and addressed below.

Section 107.7 Changed Conditions Affecting Security

This final rule amends § 107.7 as proposed in the NPRM by adding a requirement that airport operators notify the FAA when the person designated as Airport Security Coordinator (ASC) changes. Five comments to the provisions in the NPRM were received, three of which supported the proposal.

Two commenters stated that it would be burdensome for airport operators to notify the FAA whenever the person designated as the ASC changes. One of these commenters said that this proposal would mean amending, publishing, and distributing the "Airport Operations Security Plan" each time the ASC changed. The commenter also said that the proposal would not be necessary because security-related changes are already communicated at periodic local airport security meetings.

Both commenters also had different interpretations on whether the name of the ASC would have to be communicated to the FAA. For example, one commenter said the proposed section was unclear on whether the ASC must be specified by name or is simply "the person holding a specific classification on the airport management organization structure." The commenter asked whether the airport operator must seek approval from the local FAA security office to make a personnel change in the ASC position.

Response: The final rule remains unchanged from the proposal. The language of the rule is clear that the FAA considers a change in the designation of Airport Security Coordinator to be a changed condition affecting security. The FAA must know the name of each person serving in the ASC position to ensure that immediate and effective communication with the responsible person can be made. Obviously, if the ASC designation is changed, communication between the airport and the FAA could be adversely affected unless the FAA is promptly notified of the change.

Neither is the FAA persuaded that merely designating a job title (such as "facilities manager") is adequate, since at smaller locations the position may be only part-time. Confusion may arise over whom to contact unless a specific person is identified. Most commenters on the proposal supported this requirement as a reasonable and logical addition to § 107.7.

Regarding the commenter's concern that it would be burdensome to communicate ASC changes to the FAA, airport operators are already responsible for keeping the FAA informed of changed conditions affecting security under the existing language of § 107.7. Since changes in the designation of an ASC would not be expected to be frequent, it should not be burdensome for the airport operator to report such changes to the FAA. Lastly, such minor changes should not necessitate reprinting and distributing an entire airport security program document. The inconvenience of distributing updated information would be minimized if the security program documents are designed to permit for the ready removal or replacement of

individual pages or sections without disturbing the entire document.

Section 107.25 Airport Identification Media

This final rule establishes standards for the issuance and use of airport identification media. The proposal focused on the training of persons issued identification that permits unescorted access to certain airport areas. The final rule has been revised in several respects in response to comments received.

Since there were a large number of comments on this section, the following discussion is organized by several subtopics: Security Identification Display Area (SIDA), applicability, time frame for compliance, curriculum, individual accountability, records, and cost.

Security Identification Display Area (SIDA)

The FAA has adopted the definition of SIDA as it was proposed in the NPRM. The final rule defines the SIDA as "any area identified in the airport security program as requiring each person to continuously display an airport-approved identification medium unless the person is under airport-approved escort."

Six commenters, including the Airline Pilots Association (ALPA) and the National Air Transport Association (NATA), focused on the definition. Most of the comments expressed some confusion about how SIDA related to the Air Operations Area (AOA) defined in § 107.1(b)(2). Two commenters stated that the SIDA would not necessarily be consistent with AOA, allowing stricter regulations to be directed at the air carrier risk areas and greater flexibility in general aviation areas. ALPA stated that SIDA should not encompass the sterile concourse. NATA recommended that airports be given flexibility in defining SIDA "so that alternative systems may be allowed in areas of the airport where general aviation operations are conducted."

ALPA had a related comment on use of the term "airport-approved" in the SIDA definition. It stated that despite the explanation in the preamble of the distinction between "airport-approved" and "airport-issued," FAA field personnel and airport operators might interpret the language of the rule to mean that only "airport-issued" identification is acceptable for unescorted access to the AOA. ALPA recommended clarifying the intent in the rule by using "airport- or airline-approved security identification medium."

Response: The definition of SIDA in the final rule remains unchanged from the proposal. As was explained in the preamble of the NPRM, the SIDA at any airport generally would include secured areas of airports as set forth under § 107.14, most and perhaps all of the AOA defined under § 107.1, and any other areas specified in the airport's individual airport security program. Unless under airport-approved escort, each and every person within the SIDA is required to continuously display airport-approved identification. In adopting the definition of the SIDA, the FAA reaffirms the intention that the requirement to display airport-approved identification media in the SIDA applies to everyone without exception and regardless of duties, affiliation, position, or past practices. The SIDA would not include the sterile area since the latter are intended for access by members of the public without escort.

Because each airport has peculiar physical and organizational attributes, the SIDA for each airport can only be adequately set out in an airport's individual airport security program. This approach satisfies the flexibility concern of airport operators while allowing for the protection of security-sensitive information that should not be publicly disclosed.

The proposed SIDA definition purposely allows for the flexibility that the comments mention. While the SIDA generally would encompass the AOA, the definition would allow for site-specific provisions at those airports where general aviation and other areas are positively separated from air carrier operations, and appropriate security provisions acceptable to the FAA are in place.

The FAA does not agree with the comment that the term "airport-approved" will be misinterpreted to mean "airport-issued" by FAA field personnel or airport operators. Airport security programs already explain that the term "airport-approved identification media" could include media that is not necessarily issued by an airport. Examples of such media include FAA Form 8000–39, and air carrier identification displayed according to agreements with the airport. Thus, FAA field personnel and airport operators are well aware of the long accepted distinction.

Applicability

The proposed training requirements which are adopted unchanged in the final rule apply to any person who is issued airport operator identification media providing unescorted access to the SIDA. Nineteen commenters addressed the scope of applicability. Most of the commenters were airport operators or airport associations. The ATA, NATA, and National Weather Service also commented.

Comments from airport operators and associations stated that they did not understand their area of responsibility for training. These commenters wanted to know whether they would be responsible for tenant-employee training, the training of any individual they authorized to have access to secured areas, and whether they could require air carrier employees to attend airport training.

The ATA stated that it will be costly to airlines to pay for employees to attend duplicate airport training. Their concern was that air carrier personnel performing development, construction, or inspection duties might have to go through redundant training, and in their comment requested that such personnel be excluded from the rule.

NATA requested that training standards for general aviation area users and fixed-based operators (FBO) and FBO customers be not more than a verbal briefing with a handout of written materials. It also requested that an industry task force work out standards for fixed-based customers and FBO employees.

One commenter was concerned about the interrelationship between SIDA training and other possible rule changes, specifically future rulemaking related to criminal background checks of individuals with unescorted access to air carrier aircraft. The commenter wondered if individuals should receive SIDA training before the criminal background checks are completed or would this be giving out security information improperly.

One commenter referred to the preamble statement that limits applicability to only those individuals receiving airport-issued identification, thereby excluding certain FAA personnel and air carrier personnel who hold airport-approved media. The commenter states that to be secure, all individuals with access to secured areas should have the required training and identification, including U.S. Customs officials.

Response: As previously noted, airport-approved identification media include not only identification media issued by airport operators but also identification media issued by other entities that an airport operator accepts for unescorted access into the SIDA. Examples of identification media normally approved for use at airports include identification media issued by

the FAA and air carriers. Under the proposal, the airport only would be responsible for training individuals, regardless of their employers, to whom it issues identification media which provide unescorted access privileges. The airport operator is not responsible for training individuals who obtain identification media from other entities. Training for these other individuals is the responsibility of the issuing entities. This training can be accomplished through a variety of methods such as through local agreements, air carrier security programs, or under internal FAA guidance in the case of individuals having access authority via FAA Form 8000–39.

To the extent that some air carrier employees performing development, construction or other duties at airports are issued identification media providing access to the SIDA by an airport, limited site-specific airport training would be required for each person issued such identification. FAA is sensitive to the fact that an air carrier employee may be required to hold one or more airport-issued identification media because of job duties and that the employee might have already received airport security training through a previous airport-operator. In light of this possibility, FAA will approve training programs that only require site-specific training for individuals who completed SIDA training elsewhere when that training can be verified by the airport operator at the temporary site. This limited instruction would include coverage of topics peculiar to the airport issuing the identification media, such as the procedures for contacting local law enforcement and the airport's physical layout.

In response to the NATA comment and others concerning general aviation areas and FBO's, the rule provides flexibility in defining the SIDA so that FBO and general aviation areas need not be included within the definition, given FAA approval of other security provisions.

Regarding the interrelationship of SIDA training to possible criminal background check requirements, the FAA will determine at the point that criminal background checks are required what restrictions, if any, should be imposed on temporary issuance of unescorted access media. However, identification media providing unescorted access to the SIDA, whether temporary or permanent, may not be issued to anyone who has not undergone the training in accordance with § 107.25.

An airport-operator could condition its approval of identification media issued by other entities on the provision that those entities provide adequate training for their personnel. Such training could be provided by the airport-operator or through a training program of equivalent quality provided by another organization.

Time Frame for Compliance

The NPRM proposed the following phased compliance schedule:

(1) After October 1, 1991, an airport operator may not issue identification media to anyone who has not successfully completed the required training.

(2) By March 1, 1992, at least 50 percent of all persons who possess airport-issued identification must have successfully completed the required training.

(3) After July 1, 1992, an airport operator may not permit anyone to possess any airport-issued identification unless that person has successfully completed the required training.

Nine commenters addressed the compliance time for the required training. Commenters believed that the time frame is not realistic, particularly the October 1, 1991, deadline. They stated that the deadline is too burdensome and to difficult to comply with. A few commenters requested that the training time schedule be coordinated with implementation of an access control system to that training would not have to be conducted by the deadline and then repeated once an access control system is in place. One commenter stated that since no curriculum has been developed, the October 1 deadline is unrealistic. One commenter stated that in recent months administrative and operational security forces have been stretched to excessive workload limits. In addition, most major airports are implementing new § 107.14 on access control systems. Adding another requirement with a short deadline is not in the best interests of the aviation industry or the traveling public. Furthermore, for many airports, budgets for fiscal year 1991 have already been established without including any of the costs associated with this rulemaking.

Response: In an effort to be responsive to the views of the commenters, while at the same time providing for definitive and timely improvements in security at the nation's airports, the FAA has revised the phased training schedule to provide additional time for compliance. In the final rule, a new January 1, 1992, deadline provides an additional 3 months over the proposed deadline by when all airport operators will be required to train employees prior to issuance of identification media for the first time. Under the revised schedules, at least one-half of the individuals in possession of such identification media prior to January 1, 1992, will have to be trained by October 1, 1992, with the balance of training to be completed not later than May 1, 1993.

The training requirement under this section is a one-time requirement. The rule does not establish any type of retraining requirement. If an airport does not have its § 107.12 access control system in operation when SIDA training commences, then the airport operator may find it necessary to provide supplemental training on use of the new access control system when its becomes operational. Note, however, that the fundamental nature of the training required under § 107.25 should be readily compatible with an applicable to any access control technology adopted into an airport security system.

Curriculum

Proposed § 107.25(e) lists topics that must be included in the curriculum of an airport's security program. These topics are: (1) Control, use, and display of airport-approved identification access media; (2) challenge procedures and associated law enforcement support; (3) restriction in divulging information or an act of unlawful interference with civil aviation; (4) non-disclosure of information in the security system; and (5) any other topics deemed necessary by the Assistant Administrator for Civil Aviation Security.

The nature of the comments received fell into two broad categories. The first groups of commenters expressed the belief that current training methods are adequate and that no additional training curriculum is necessary. For example, the Port Authority of New York and New Jersey stated that at Kennedy International Airport each individual issued a new identification (as part of their new automated system mandated by § 107.14) must acknowledge receipt of the airport's general security regulations. It stated that this procedure should qualify as meeting the proposed training standard.

The other category of commenters expressed the option that the proposal inadequately detailed the content of the curriculum that would be required. Most of these comments requested a more detailed curriculum or guidance on developing such a curriculum. According to these commenters, the proposed curriculum was too basic . It did not specfiy the number of hours required. It was silent on issues, such as concealment of weapons, sabotage,

profiles, screening equipment, and levels of security. They said that the minimum curriculum was too general to establish a standard and that it did not allow for public comment on the details of a curriculum, and that costs could not be accurately anticipated. APANA commented that "by failing to establish uniform, minimum standards in a public forum * * * the proposed rule fails to meet Congress' mandate contained in section 1357(h)."

The commenters raised the following questions about the proposed curriculum:

(1) How many hours?

(2) Is it annual or otherwise recurring?

(3) Is it formal classroom training or can video tapes be used?

(4) What "other topics" might be necessary and for whom? When will these other topics be identified?

(5) Who is responsible for the training—tenants or airports?

The City of Chicago asked if video training of individuals would be acceptable in light of the number of people who would need training.

The Indianapolis Port Authority proposed that a badge recipient be given a training document and verbal explanation of the use of the badge when he or she is given the badge.

The State of Alaska stated that, as part of its photo identification system, at small airports subject to part 107 it provides a 1½-page document that explains the system. When signed by the badge holder, the document becomes a contract between the badge holder and the airport.

NATA recommended that fixed-base customers at airports receive a verbal briefing with written materials on airport security regulations, the access system, and limitations that would apply. NATA also recommended that developing a set of training standards for FBO's and customers of FBO's be assigned to the FAA's Aviation Security Advisory Committee.

One commenter requested more information on the meaning of "associated law enforcement." The National Weather Service (NWS) stated that it does not want its people trained in "challenge procedures" or in any way involved in challenging. (See the additional discussions relating to the NWS' comments, below.)

Response: The FAA disagrees with the comment that not enough detail on curriculum content or development was disclosed in the proposed rule. To the contrary, the full range of curriculum content with specific topical areas was set out in the NPRM and appears in the final rule. Those persons required to display airport-issued identification for the most part, are not security professionals and the training for them is not expected to involve any more than preparing them to function in a security-sensitive environment. Thus, there is no need for them to receive training on screening equipment, sabotage, or profiles. These are separate, more detailed training topics for people whose job function is to provide security.

Due to the individual configuration, size, types of operations, extent of risks, and law enforcement procedures of each airport, it is not possible to set out in the public rule every aspect of each training program. Additionally, much of the site-specific information, as well as details of challenge procedures and other security procedures, are security-sensitive and cannot be disclosed without compromising the integrity of the airport security system. Thus, the FAA has met the legislative mandate to establish uniform standards through this public rulemaking action while maintaining the integrity and efficacy of the aviation security system. In the immediate future, FAA expects to provide additional guidance directly to airport operators through local FAA special agents.

While the precise cost of providing training will vary from one airport to another, the curriculum requirements and cost estimates disclosed in the NPRM reasonably portray actual expected costs. As discussed in the regulatory evaluation included in the docket of this rulemaking and summarized in the preamble of the NPRM, the FAA expects that a maximum of 2 hours of training per employee will be sufficient at most airports. The FAA does not agree with the commenters who believed that inadequate hours and cost-per-hour data were provided in this rulemaking.

In response to queries as to whether video tapes or oral briefings may be used in providing training, the rule does not prohibit the use of any particular training methods; however, prior to conducting training, the anticipated method of instruction and curriculum must be approved by the FAA as a part of the airport operator's security program.

In this regard, the FAA recently produced and distributed to most airports affected by this rulemaking, a series of videotapes entitled "Airport Security: A Team Approach." One segment of that series specifically addresses security in the AOA and most of the required major topics. Use of this video tape could constitute a major component of an acceptable training program.

The curriculum set out in the NPRM and adopted in the final rule is intended to make employees having unescorted access privileges to the SIDA aware of their responsibilities regarding their individual role in airport security. Such basic concepts as not loaning identification media to others, reporting lost or stolen identification to the appropriate authorities immediately, and the critical nature of and correct procedures for exercising a challenge when required, are viewed as essentials. Written material may be used to supplement oral or video presentations on these subjects. However, language has been added to § 107.25(e) of the final rule to clarify that an opportunity for attendees to ask questions must be provided.

In response to other commenters, the requirement for training on associated law enforcement support is an important part of knowing what to do if an individual without proper identification media is encountered in a secure area. Law enforcement support requirements are specified in §§ 107.15, 107.17, and 107.19.

In response to the comment that these requirements should come under the authority of the Administrator of the FAA, the agency is guided by the Aviation Security Improvements Act of 1990. The legislation created the position of the Assistant Administrator of Civil Aviation Security and makes the person holding that position responsible for implementing and enforcing these regulations. In carrying out these responsibilities, this person is subject to the Administrator's direction and authority.

Finally, the U.S. Department of Commerce (National Weather Service) objected to "any attempt to characterized its employees who regularly perform their duties in areas within the airport controlled for security purposes as 'security personnel.'" The objection deals especially with the obligation to challenge aspect of the training required under § 107.25.

Historically, the challenge procedure has been a responsibility shared by all individuals with unescorted access privileges of airports having security programs in accordance with § 107.3(b). Since it is unreasonable to expect law enforcement officers to be present at all times throughout the airports' controlled areas, a supplemental method, i.e., the challenge procedure, was developed.

Challengers are not expected to place themselves or others in situations they consider dangerous. Rather, they are expected to contact law enforcement authorities under appropriate

procedures when a threat is perceived. The FAA sees no valid reason why all persons having unescorted access to a SIDA should not be trained on and be expected to carry out the challenge procedures at those airports where such a procedure is a part of the security plan.

Individual Accountability

Proposed § 107.25(f) prohibits a person from using any airport-issued identification media to gain access to an SIDA unless the media was issued to that person by the appropriate airport authority.

One comment was received on paragraph (f). It supported the requirement if it holds the individual responsible directly to the FAA.

Response: The intent of this provision is to prohibit an individual from using someone else's identification media for access to the SIDA, whether such identification is issued by the airport operator or another entity. In the proposal, the prohibition was limited to only airport-issued identification when, in fact, the intent also was to prohibit the misuse of identification media issued by other entities that is airport approved. The final rule has been changed to prohibit an individual from using not only someone else's "airport-issued" identification, but also from using "airport-approved" identification. This change comports with the intent of the proposal and clarifies the scope of the prohibition. Of course any individual violating the identification media use restrictions under this section would be subject to an FAA enforcement investigation, and potentially a civil penalty.

Records

Proposed § 107.25(g) requires an airport operator to maintain a record of all training given to each person under this section until 180 days after the termination of that person's unescorted access privileges.

Five commenters addressed the proposed recordkeeping requirement. All commenters believed that the proposed requirement will be burdensome. One commenter was concerned that the FAA may use the records to hold airports accountable for security breaches. Another commenter was concerned that the records will be held by the airport rather than the employer of the individual and that the airport may be liable for releasing this information. One commenter questioned the benefit of the requirement to the airport operator. Will the record of security training for an individual serve as a defense for an airport operator for a purported part 107 violation?

One commenter referred to this requirement as an "administrative nightmare" because of the high turnover rate and the 6-month retention. The commenter requested allowance to purge the data base after the individual's unescorted access privileges are terminated. Another commenter said the 180-day retention requirement will overload an already strained recordkeeping system.

Response: This provision is adopted as proposed. As stated in the preamble of the NPRM, records must be maintained to document compliance. Such records would provide vital information regarding training during investigations of security-related matters. Since airport operators are required to provide training, it is consistent to require that they also maintain records of training.

This requirement is not intended to be an administrative burden. It is not expected that such basic information as the name, date, place and extent of training received by an individual would be time consuming to compile or take too much space in a data bank. These records would greatly improve the management of the airport security system and should not include anything other than training record details. They should not be accessible to anyone not having a bona fide "need to know" training record details.

The requirement to keep records is not intended to serve as a defense for any purported part 107 violation. However, a charge that required training has not been provided might be refuted by current and accurate records to the contrary. In this respect, compliance with the record requirement is a great benefit to the airport operators.

The 6-month retention is primarily for investigation purposes. The FAA believes that, since each record contains only a minimal amount of information, the 6-month retention creates only a slight burden on the operator.

Cost

Ten comments addressed the cost of § 107.25. Commenters stated that the requirements would be a burden and that the FAA's estimate for the cost of training is low. Commenters asked if the FAA will reimburse airports, if the FAA will make grant money available, or if Airport Improvement Program funds will pay for the training. One commenter questioned how the FAA estimates $4,405,000 without having determined guidelines for the number of hours and methods of training. One pointed out that the cost is ongoing, not one-time.

Two commenters provided specific figures. Training at Tampa International Airport would be for 4,000 employees with an annual turnover rate of 1,500. The required training would necessitate one additional manager and support facilities for a cost of $60,000 annually. Man-hour allocations for all employees to be trained would be $180,000.

Raleigh-Durham expects the cost to be $7,889,275 over 10 years or in excess of three-quarters of a million dollars per year. These figures are based on 3,500 persons for a 6-hour class having access to the secured areas. Initial curriculum development is estimated at $141,275; updated over 9 years at $472,500; materials at $500,500 for 10 years, labor costs for the class at $475,000, and record maintenance at $6,300,000.

Response: The cost estimates in the Regulatory Evaluation accompanying the NPRM were reviewed in response to comments regarding the accuracy of proposed training costs. The initial cost figures have been confirmed as being accurate. The projected cost of training is based on the scope of training, as set out in the NPRM and final rule, and the fact that training sessions are not expected to exceed 2 hours per person at almost all airports. This information was fully disclosed in the NPRM and is repeated herein. Some commenters improperly based projected costs on training times far in excess of 2 hours and with the expectation that all personnel would require training. In fact, only individuals with airport-issued identification providing unescorted access to the SIDA are required to undergo security training. In the interest of reducing possible training costs, each airport operator subject to this action should carefully reassess which employees have a genuine need to have unescorted access privileges. It may be possible to reduce costs by withdrawing the privilege from some individuals.

The FAA does not anticipate the availability of funding grants of any kind to cover the cost of providing training under this rule.

Section 107.27 Evidence of Compliance

This section proposes that airport operators provide the FAA with evidence of compliance when requested. This should not require airport operators to institute new or expanded recordkeeping systems beyond those required elsewhere in part 107. The final version of § 107.27 is intended merely to guarantee FAA access to existing records when necessary.

Eight commenters addressed this proposal; one, the AFA, supported it. The remaining commenters represented

airport operators who felt that the administrative burden and cost of this proposal (e.g., additional storage space and staff) will be excessive and will compete with funds for improving the safety and efficiency of airports. Some commenters stated that the airport operator should not be responsible for documenting and maintaining records on airline employees who disregard security rules. Such documentation should be the responsibility of the airlines.

One of the commenters asked, "Is the record retention requirement really necessary under the absolute liability standard now so unfairly imposed by certain segments of the FAA upon airport operators facing liability for the culpable conduct of independent third parties?"

Another commenter said that it is unrealistic to require airports to provide the FAA with immediate access to training records; most airports do not have 24-hour or weekend and holiday pass and identification coverage for the offices where security records are maintained. Another commenter said that FAA access to security records has never been a problem; therefore, the proposed section is unnecessary.

Response: The concerns expressed by airport operators about the administrative burden of documenting and maintaining records to show employee compliance with security programs do not relate to the intent of this section, which deals with airport compliance with security programs not employee compliance. Airports must show evidence of compliance with security programs by making records available to the FAA on request. The kinds of records that relate to the security program are records on security training (as required under proposed § 107.25(g)) and records on law enforcement actions (as required under existing § 107.23). The airport may physically keep these records or individual entities may keep records for their employees. Either way the airport is responsible for knowing where the records are and for providing immediate access to them. The FAA prefers that the airport physically maintain the records, but it is not requiring airports to do so. Law enforcement records subject to FAA review under § 107.23 may be kept in accordance with local or state requirements, so long as the records are available to the FAA upon request.

The comment regarding airport operator liability for security violations committed by third parties represent a justifiable concern. However, the intent of the proposal, which has been adopted without change in the final rule, is to provide reasonable assurance that current and accurate information regarding airport operator compliance with security rules and directives is maintained and available for any reason. This requirement is not intended to place nor excuse liability for security violations.

In terms of FAA access to records, this rule does not require that records be made available on a 24-hour basis. Rather, records should be available during normal work hours, during FAA inspections or during an investigation, in which case immediate access may be required.

Section 107.29 Airport Security Coordinator

This section proposes that airport operators appoint an Airport Security Coordinator (ASC) to act as a liaison between the airport and the FAA. The ASC would oversee airport security functions, e.g., records maintenance, compliance, and program development and training.

Twelve commenters addressed this proposal; four of the commenters supported the proposal, including the AFA and three airport operators. Some commenters stated that airports already have a director or manager responsible for airport security and FAA liaison and that an additional position for this purpose would be costly and burdensome. Commenters also stated that determining who should fulfill this role should be left to each individual airport.

One commenter said that the proposed section needs clarification "as to the degree of 'designation' and how any changes of said designation relate to § 107.7(b)."

An airport authority said that the FAA should provide a better definition of the duties and responsibilities of the ASC. Also, the FAA should determine the effect of a recent rule requiring airport access control systems (§ 107.14) on the ASC position.

ATA stated that, if an ASC position were to be created, the position should be limited to part 107 responsibilities. ATA maintains that if the ASC were to exercise air carrier responsibilities under part 108 as well, then "air carriers would be exposed to a welter of uncoordinated security demands, which would contradict the efforts of the air carrier industry and the FAA to assure that security matters be dealt with in a uniform fashion."

Response: The FAA disagrees with the commenters' concerns that the ASC position would be in addition to other security positions and would thus be costly and burdensome. As stated in the preamble of the NPRM, most ASC positions are not expected to be either fulltime or to require additional positions at most airports. Rather, the ASC would most likely be someone who is already fulfilling some security-related functions, either as his or her sole duties or as a collateral assignment. Significantly, the ASC position is not intended to embody any authority or responsibility which does not already fall to airport operators under the current part 107 program.

The requirement to designate an ASC is intended, in part, to provide program oversight and continuity. Further, as the airport operator's recognized contact point for security matters, the ASC can contribute toward a more effective FAA-industry network, both locally and nationally.

Regarding ATA's comment that uncoordinated security demands could ensue if the ASC were to exercise air carrier security responsibilities, the rule is clear that the ASC's only role is to serve as the airport operator's primary security contact with the FAA. FAA does not anticipate the ASC as having an operational or oversight role regarding part 108 requirements.

In terms of the "degree of designation" and "changes of said designation" of the ASC, the FAA's position is that the name of the ASC (or name of a new ASC) should be reported to the FAA to ensure that the FAA has contact with the correct person. As already discussed in the FAA's response to comments on § 107.7, as well as above, the ASC is likely to be filling several security positions; therefore, the FAA would need the name of the current ASC to make appropriate and timely contact.

In considering the comments received which related to this aspect of the ASC designation, the FAA also concluded that it is appropriate to require that the designation include a method to contact the ASC on a 24-hour basis. In order to be acceptable, the designation should include such information as home and work telephone numbers, and where appropriate, pager and facsimile machine numbers. The FAA will permit designation of one or more alternate ASC's to be contacted in the event of the unavailability of the ASC.

Regarding the comment that the FAA should provide more definition of the ASC's duties and responsibilities, the FAA already described in the preamble of the NPRM the functions appropriate to the ASC. These functions include records maintenance, compliance oversight, program development and consistency, training, and

communication with the FAA, airport tenants, and others. The FAA did not set specific standards for the ASC because that role will differ from one airport to another, based on such factors as airport size, organizational structure, and existing security program features. Regarding the same commenter's point that the FAA should determine the effect of § 107.14 (access to secured areas of airports) on the ASC position, the FAA does not see that need to relate each individual section of part 107 to the ASC. The ASC serves as the primary contact for all part 107 security matters. The FAA expects that the ASC's will work closely and cooperatively with their FAA and tenant counterparts to facilitate the effective implementation of the full range of security provisions.

The intent of § 107.29 is to ensure that there is a primary contact person who oversees part 107 security functions. As mentioned in the preamble of the NPRM, there are positions under part 108 which are already intended to serve the air carriers in a similar capacity, i.e., the Ground Security Coordinator and Inflight Security Coordinator under existing § 108.10. Ideally, the ASC's should serve as the liaison or contact point for their air carrier counterparts, as well as for communications with the FAA. Additionally, the ASC's will be in a position to seek resolution of security-related issues not only for the airport operator's part 107 concerns, but also as tenants' security concerns are impacted by the airport operator responsibilities under that part.

Section 108.9 Screening of Passengers and Property

This section proposes that air carriers staff their security checkpoints with both supervisory and non-supervisory screening personnel in accordance with the standards specified in the air carriers' security programs. These standards are new to carriers' security programs.

Six commenters addressed this proposal; AFA supported it. Two commenters, one of which was the Independent Union of Flight Attendants (IUFA), objected to the proposal's lack of specific staffing requirements on the basis that the public was denied an opportunity to comment on the specifics. The IUFA said that the proposed rule will limit the number of security duties per individual, but did not specify the limit.

ALPA said that the proposal would duplicate what is already required in FAA-approved security programs pursuant to § 108.5. ATA stated that requiring additional layers of personnel will not automatically enhance security and that this proposed section does not reflect demonstrable security needs.

The Regional Airline Association (RAA) said that additional staffing at regional airports may not be warranted due to the lower numbers of passengers passing through security checkpoints which allows for more effective screening of all persons. The costs of full-time supervisory coverage would be high for regional airports. RAA recommended that the FAA make this staffing requirement applicable only to airports enplaning more than 500,000 persons annually.

Response: The final rule is unchanged from the proposal. The FAA is convinced that improved supervision is critical to enhanced screening effectiveness. Section 108.9(d) requires air carriers to staff their security checkpoints with supervisory and non-supervisory personnel in accordance with standards specified in the air carriers' security programs. The actual staffing requirements would be in the security program and are not set out in the public rule because the staffing requirements at a particular checkpoint must be specific to the peculiar needs of the location involved. Specific staffing requirements are related to airport activity and threat factors. The particularized need of each individual checkpoint, coupled with the fact that knowledge of the actual staffing details could assist anyone attempting to breach security, necessitates placing the detailed standards for each checkpoint in the security programs.

Section 108.9 is not duplicative of § 108.5 because it adds a specific new standard that requires supervisory staff at checkpoints. For the first time, part 108 explicitly requires supervision of checkpoints so that screeners have regular and consistent supervision. Criteria for the number of supervisors and screening personnel and the pattern of supervision will continue to be contained in each security program under § 108.5, which will allow latitude geared to the level of activity at the checkpoint. Supervision at low activity airports is required, but the number of supervisors and degree of supervision required in the security program will be appropriate to the size of the airport and the degree of security threat.

Section 108.17 Use of X-ray Systems

The proposal adds a new subparagraph (h) which would require that air carriers comply with X-ray operator duty-time limitations as specified in the carriers' security programs. X-ray operators would be guaranteed scheduled job rotation frequencies for the purpose of sustaining vigilance.

Four commenters addressed this proposal. The AFA supported the proposal. ALPA said that the proposal would duplicate what is already required in § 108.5 in FAA-approved security programs.

IUFA commented that the duty limits for operators of X-ray systems are undisclosed; therefore, the public is unable to comment on duty limits.

ATA stated that X-ray operator duty limitations will be dealt with in the Air Carrier Standard Security Program, but any limitations should also ensure that job rotations are not so frequent as to disrupt screener performance.

Response: The final rule is adopted as proposed. As with other portions of this proposal, the rule language makes the general standard mandatory. The specific standards for frequency of rotation and duty limits will be established in the air carriers' security programs. Specific limits are not specified in the rule out of the need for flexibility to develop and amend standards to fit the requirements of particular checkpoints and because this information is security-sensitive.

The FAA agrees that rotation frequency should be based on attention span and should be neither too long nor too short for maximum alertness. Attention span varies according to workload conditions. Therefore, rotation frequency and duty times will generally vary according to work conditions.

This requirement does not duplicate existing requirements in either § 108.5 or air carrier security programs, neither of which specifically mandates duty-time limits.

Section 108.29 Standards for Security Oversight

The NPRM proposed that air carriers ensure that employees and contractors, on a need-to-know basis, have knowledge of certain specified information on security requirements. In addition, it proposed that each carrier's Ground Security Coordinator (GSC) be required to perform and document formal semi-annual evaluations of the station's security provisions and to conduct daily informal reviews of the same.

Four commenters, including AFA, ATA and ALPA, addressed this proposed section; two of those (AFA and ALPA) were in support.

ALPA commented that this proposed section would ensure greater visibility of GSC's. AFA supported the proposal as necessary for the effective gathering and dissemination of security related

information, as well as evaluating the effectiveness of the station's security functions. ATA commented that existing procedures already provide adequate security oversight, i.e., passenger screening points currently undergo frequent tests of their effectiveness, and that carrier station personnel are aware of the heightened need for vigilance in recent years. In addition, the evaluation and review requirements imposed on the GSC, coupled with personnel evaluation requirements under § 108.31, would be burdensome. The ATA was concerned that the proposed standards for security oversight are not based on a demonstrated need.

Another commenter, an air carrier, was unsure of the level of detail of the proposed evaluation and whether this function could be rotated among carriers. The air carrier also said that the GSC currently conducts annual evaluations of security. The commenter asked whether the proposed requirement for semiannual evaluations would be in addition to the annual evaluation.

Response: As stated in the preamble of the NPRM, the section would require several actions by air carriers. The proposal was based on the FAA's determination that existing procedures do not provide adequate oversight. Additional oversight is needed to ensure an improved security system. As an example, FAA security inspections have revealed that, when several carriers share a screening contractor at the same airport, some carriers have assumed that another carrier has passed on the security information to employees of the contractor. This assumption occasionally has proven to be incorrect, and none of the carriers have passed on such information. Proposed § 108.29 (a)(1) and (b) have been adopted in this final rule and address this problem.

Notwithstanding the benefits associated with the proposed standards for security oversight, the FAA recognized the potential for a duplication of effort in requiring both daily reviews and semiannual evaluations. As the ATA pointed out, current procedures include scheduled air carrier station inspections conducted by FAA special agents and periodic tests of checkpoint weapons-detection effectiveness. In addition, the final rule establishes oversight and accountability at the air carrier station level by requiring GSC's to conduct daily reviews of all security related functions (§ 108.29(a)(2)). No specific documentation requirements accompany § 108.29(a)(2). Following careful evaluation of comments regarding the added burden the proposed rule would have placed on carriers without significant benefit, the FAA has deleted the proposed requirement to conduct semiannual evaluations. Significantly, however, the final rule also has been modified (§ 108.29(a)(2)(ii)) to explicitly require the air carrier to detect and immediately correct instances of noncompliance identified during the daily reviews. The identification and correction of weaknesses is the essence of improved security. This action is intended to ensure that air carriers maintain an increased awareness, first hand, of the effectiveness of their security activities.

While the FAA remains firmly convinced that the application of unique layers of security countermeasures (redundancy) is justified, it does not intend to promote additional layers of administrative oversight without corresponding benefits. This focus on daily oversight, while deleting the proposed requirement for semiannual evaluations, reduces the administrative burden while retaining significant improvements to operational effectiveness. This approach also is consistent with both ALPA's and AFA's general support of standards for security oversight in that it would ensure greater visibility of GSC's and would enhance the gathering and disseminating of security related information as well as evaluating effectiveness.

Section 108.31 Employment Standards

This proposed section establishes employment and training standards for screening personnel, including requirements for educational or experience levels; aptitude and physical abilities; the ability to read, speak, and write English; and completion of security program training. Further, the proposal provides for on-the-job training, remedial training, and evaluations. The proposal also provides for certain exceptions to the employment standards for screening functions conducted outside the United States.

None of the 11 commenters in this area fully supported this proposed section.

Most of the commenters, including the Joint Council of Flight Attendants Union, the Aviation Consumers Action project (ACAP), IUFA, RAA, AFA, and APANA, said that the proposed standards provide little detail in terms of training curricula, methods, and hours.

Many commenters objected to the FAA's decision not to publish the specifics of these standards. ACAP, IUFA, AFA, and an individual commenter said that there would be no security risk in publishing standards, such as the aptitudes and physical abilities required of screening personnel; by not doing so, the FAA is denying the public the right to fully evaluate the proposed rule.

ATA objected to the requirement that the GSC conduct semiannual evaluations of screeners, stating that the GSC is not fully qualified to judge such areas as physical abilities and skill levels. ATA recommended that this function be assigned to the provider of screening services, "which would have the experience to make evaluations that affect not only the quality of screening but also the continued employment of individual screeners."

RAA commented that the FAA's lack of specific standards might cause air carrier concern about possible violations of Federal and state laws relating to discrimination. It stated that "Carriers should not be forced to defend the objectivity and relevance of any tests/examinations they may require in order to comply with necessity, but vague, hiring standards."

One commenter, a medical laboratory, noted that the proposed section does not mention standards for urine drug testing of applicants and employees, and that such standards should be a part of the proposed rule.

Another commenter said that employment standards for screening personnel could adversely affect the labor force eligible for employment. The proposed section also could result in higher wages which would affect airline costs and airport wage rates.

Response: In response to the many comments regarding non-disclosure of the specifics of screening personnel employment standards in the NPRM, the FAA carefully reviewed the current standards contained in the security program. The security program has for over a decade had training standards for screening personnel. Prior to this rulemaking, the FAA had amended air carriers' approved security programs to strengthen the training and employment standards for security screeners. The provisions in the Aviation Security Improvement Act mandating the establishment of standards did not expand the FAA's authority to issue such standards, since that authority can be found in the preexisting FAA Act. The FAA's review of the security program resulted in a determination that certain elements of the existing security program requirements could be included in the public rule without jeopardizing the security of the civil aviation. Thus, the following preambular discussion and final rule language, itself, provides more

details regarding the standards for screener personnel. Section 108.31(a)(2) has been expanded to include more information about aptitude and physical ability requirements. These are performance-based standards designed to measure an individual's functional ability to successfully complete job tasks related to security duties.

Section 108.31(a)(2)(i) requires that persons used as X-ray operators (i.e., interpreters of X-ray images) must be able to see and distinguish the imaging standard used to determine the performance of the X-ray system itself. For those X-ray images which contain colors (through computer enhancement), the operator must be able to distinguish those colors and to explain their significance. A person with some color perception defect may well be able to perceive the three or four strong colors used in current equipment. The FAA expects that a screener will only be able "* * * to explain what each color signifies * * *" after undergoing initial training. This is in keeping with § 108.31(b), which provides that a screener undergoing on-the-job training may not make independent screening judgments. For those security checkpoints which do not employ color-enhanced X-ray equipment, color perception is not required for the X-ray position except as provided in § 108.31(a)(2)(ii).

The latter requirement requires all screeners to perceive each color used for a visual alarm or off/on switch by each unit of screening equipment at each checkpoint at which they serve. This equipment consists of X-ray baggage inspection systems and walk-through metal detection devices ("metal detectors"). Both usually have color-illuminated off/on switch indicators, and the walk-through metal detectors customarily are equipped with color alarm indicators as well as audible alarms. X-ray systems customarily include red warning lights to indicate that an X-ray beam has been energized. It is essential that screeners be able to ascertain, for example, that a metal detector has not become unplugged and that a metal detector is indicating an excess amount of metal on an individual's person. Visual alarm indicators on metal detectors become very important at a crowded, noisy checkpoint, especially where several parallel metal detectors may be emitting a number of similar audible alarms.

In § 108.32(a)(2)(iii), screeners must be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment. Screeners must be able to hear not only the audible alarms of the equipment they use, but also spoken communications from their co-workers, supervisors, and the public.

Screeners performing physical searches of baggage and other objects must have dexterity and some measure of strength. Such searches must be done both thoroughly and efficiently. No specific quantification is provided in § 108.31(a)(2)(iv). A screener must be able to efficiently and thoroughly manipulate items to be searched.

Under § 108.31(a)(2)(v), screeners performing pat-downs or hand-held metal detector searches of persons must have the dexterity and capability to perform those procedures. This standard will not prevent individuals with physical limitations or impairments from becoming screeners provided they can perform the duties of the position.

The English language requirement proposed in § 108.31(a)(3) is a new requirement. The NPRM specifically invited comments on the language issue, but none were received. While no one commented on this issue, the final rule includes additional language to clarify the intent of the requirement. The additional detail will be useful to persons interested in seeking employment as screeners. As with basic aptitudes and physical abilities, English language qualifications are measured against the requirements of screener duties, rather than standardized academic tests.

Section 108.31(a)(3)(i) requires the screeners must be able to understand and carry out written and oral instructions in English regarding the proper performance of their screening functions. Because security training and supervision in the United States is presented in English, it is essential that screeners understand written and oral instruction in all phases of their jobs.

Section 108.31(a)(3)(ii) requires that screeners be able to read English-language identification media; credentials; airline tickets; and labels on bottles, aerosol cans, packages, and other items normally encountered in the screening process.

Section 108.31(a)(3)(iii) requires that screeners speak and understand English well enough to understand and answer questions and to give comprehensible directions to persons undergoing screening. These skills are very basic in a position with such considerable public contact, yet the FAA has often received complaints from the public concerning the lack of such skills.

Finally, § 108.31(a)(3)(iv) requires that screening personnel, when charged with recordkeeping duties, be able to write incident reports, statements, and log entries in the English language. This is intended to ensure that no person incapable of writing in English is assigned recordkeeping duties. In response to comments on § 108.31(d), the FAA has reevaluated the benefits that would have accrued from the proposed requirement that GSC's conduct semiannual evaluations of screeners. The FAA has concluded that an annual evaluation, coupled with the requirement of immediate remedial training for screeners who fail an operational test, are sufficient safeguards to ensure the desired level of security effectiveness. Thus, in the final rule, the requirement for semiannual screener evaluations has been changed to an annual evaluation. Further, the FAA doesn't agree with ATA's comment that GSC's lack the qualifications to conduct the evaluation of screeners. GSC's are an integral part of the security system and are tasked in the final rule to conduct daily reviews of all security-related functions.

With respect to the comment on the need to drug test security screeners, drug testing is already required by FAA regulations.

Contrary to the suggestion that this rulemaking might adversely impact the labor force, the FAA does not anticipate that these employment standards will have a significant impact on the availability of persons to fill screener positions. While the final rule has established appropriate security-related standards, these standards do not prevent the majority of U.S. residents from qualifying. If the establishment of appropriate security standards has the effect of requiring higher salaries to attract qualified applicants, the resulting professionalism is both beneficial and consistent with the purposes of the Aviation Security Act.

Proposed § 108.31(f), which addressed locations outside the United States where the certificate holder has operational control over a screening function, has been modified slightly in the final rule. No comments on this section were received. The NPRM language that " * * * at least one person with the ability to functionally read and speak English is present * * *" has been changed to "* * * at least one representative of the certificate holder * * is present * * *. This change is to clarify that the English speaking person must be a representative of the certificate holder. A "representative of the certificate holder" could include the certificate holder's direct employee, an employee of another carrier (foreign or U.S. flag),

or a screener or other contract employee as long as such a person is acting on behalf of the certificate holder.

Public's Right to Comment

Six commenters objected to the FAA's decision not to publish the specifics of employment and training standards for security purposes. The Independent Union of Flight Attendants (IUFA), Association of Flight Attendants (AFA), Airline Passengers Association of North America (APANA), Public Citizen/Aviation Consumer Action Project (ACAP), Families of Pan-Am 103/Lockerbie, and an individual argued that these standards should be subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (APA).

While agreeing that Congress gave the FAA authority under the FA Act to restrict public disclosure of information obtained or developed in the conduct of security activities, commenters stated that the Freedom of Information Act does not exempt the development of minimum security employment standards from the requirements of the APA. Commenters felt that such standards as training curricula and hours do not pose a security threat and that by omitting these specifics from the NPRM, the FAA denied the public an opportunity to comment fully on matters affecting public safety. Families of Pan-Am 103/Lockerbie recommended, at an absolute minimum, that the following areas be included in the rule: Minimum physical standards, criminal history standards, mental and educational standards, hours of training, and screening standards.

Some commenters recommended that the FAA either withdraw the NPRM and issue another proposed rule, or issue a supplemental NPRM, either of which should set forth sufficient minimum standards to allow for full public comment on employment and training standards. These commenters, as well as airport operators, provided similar comments about the lack of specifics in various sections of the proposed rule; these comments are discussed within each applicable section.

Response. The FAA disagrees with the commenters who expressed the opinion that APA notice and comment requirements were not complied with because some details of specific security program standards were not disclosed in the proposed rule. Very few requirements were withheld from public disclosure. Those few areas withheld were of a security-sensitive nature or involve individualized details of specific security programs. With few exceptions, the content, scope, and associated costs for every aspect of this rulemaking were disclosed in the NPRM for notice and comment purposes.

In the part 107 portion of the NPRM, for example, a full definition of the security identification display area and the content of the training curriculum and recordkeeping requirements were fully disclosed for public review and comment. Likewise, the duties of an ASC were set out in the NPRM.

In the part 108 portion of the NPRM, a significant amount of detailed information regarding security screener qualifications was disclosed for public notice and comment. The fundamental aptitudes and physical abilities for screeners were enunciated and discussed in both the preamble and rule language itself. The standards for security oversight were also fully detailed in the proposed rule, including the scope and content of security knowledge required of security personnel, the frequency of security evaluations, and the applicability of these standards to contractor personnel.

Thus, the FAA does not agree with commenters who stated that there was insufficient disclosure of details of the proposed security standards in the NPRM. In all instances, either the details were fully disclosed or withheld for legitimate security reasons.

Miscellaneous

Two commenters representing the interests of smaller or regional airports, argued that the users of these airports do not face the same level of security risk as those using large or international airports. One of the commenters felt that the additional manpower costs of providing increased training and security at smaller airports will be burdensome and will result in decreased airport maintenance and airline service.

One commenter suggested that aviation security could be strengthened if the focus were on increasing employee retention, thereby resulting in a stable, qualified work force. This commenter suggests that airport authorities should impose fines on employers who have excessive turnover rates.

One commenter recommended wider use of its computerized security equipment in training security screeners and persons with unescorted access to the SIDA. It says that its equipment would be cost effective and is currently used by some U.S. air carriers, foreign governments, and airport authorities to test, document, and evaluate security delivery systems.

Another commenter stated that the proposed rule will add costly training and reporting requirements into a system that is already overtaxed; the commenter suggested that resources would be better spent on developing more sophisticated intelligence gathering methods and equipment.

One commenter, while supporting the proposed rule, felt that the comment period allowed for this NPRM was too brief and that it should be adjusted.

ATA recommended that the proposed requirements be made applicable to the U.S. operations of foreign air carriers; this would enhance the safety of the large number of U.S. citizens who fly internationally on foreign-flag airlines.

Finally, Families of Pan-Am 103/Lockerbie said that the public has lost confidence in the FAA's aviation security system and does not trust the FAA to effectively establish and enforce security standards.

Response: Regarding the first comment about the appropriateness of standards for small airports, it is the FAA's long held position that security standards are necessary for all airports to ensure the public safety. A security problem originating at one airport may also affect other airports by the very nature of the transportation system. However, these standards are designed to be flexible and geared to the particularities of each airport. Therefore, the cost of complying with these standards are expected to be in proportion to the size and scope of the operations at each airport and should not adversely affect other airport functions.

Regarding the concern about employee retention, the FAA has long held that employee retention, notably in screening operations, is desirable. However, there is no evidence to support the proposition that the imposition of fines on employers with high turnover rates would result in increased employee retention or better qualified employees. Retention rates may improve as a result of this rulemaking since it establishes comprehensive employment and training standards.

The use of computerized security training equipment is an area of development that has potential. However, until further research and evaluations are completed, it would be premature to impose a requirement on airport operators and air carriers to use computerized security training equipment at this time. Of course, airport operators and air carriers may elect to use computerized systems if the FAA determines the systems are effective in meeting security-related responsibilities.

The FAA recognizes that an effective civil aviation security system can be

expensive. However, the current security requirements are absolutely essential to counter the current level and sophistication of threats to civil aviation.

Regarding the length of the comment period, the FAA agrees that the time frame was brief. The FAA usually provides a longer comment period; however, in this case, the FAA was constrained by the congressional mandate of the Aviation Security Improvement Act.

Concerning ATA's comment about applicability of the requirements to U.S. operations of foreign air carriers, the FAA issued a final rule on July 1, 1991, amending part 129, to require that the security programs of foreign air carriers provide a level of protection similar to U.S. air carriers (56 FR 30122). This action was taken in response to section 105(a)(k)(2) of the Aviation Security Improvement Act. The FAA is evaluating changes that may be necessary to these foreign air carrier security programs to provide a similar level of protection.

Finally, the FAA is fully aware of the position taken by the Families of Pan-Am 103/Lockerbie. The FAA also appreciates the unique perspective that this organization brings to the security arena. The agency seeks to assure the Families of Pan-Am 103/Lockerbie, as well as all other interested parties, that the FAA has moved on several fronts to strengthen the aviation security system. The FAA has worked with the Congress and a number of groups (e.g., President's Commission on Aviation Security and Terrorism and the Aviation Security Advisory Committee) to clearly define areas needing improvement. The FAA has initiated action in response to identified problems. In addition, the FAA can point with pride to the major advances initiated since 1985 in the aviation security field.

The FAA's quick and sure reaction to the crisis which surrounded the Iraqi invasion of Kuwait in August of 1990, and the agency's efforts to safeguard the aviation system during Operations Desert Shield and Desert Storm, proved both effective and only minimally disruptive to the traveling public. Just as surely, the cooperation of the industry and the public was key to that success. This achievement provides a firm footing to make further progress in safeguarding aviation. This rulemaking is a major step in that direction. The agency will continue to work with the Congress, the International Civil Aviation Organization, the industry, public groups, and private individuals to maintain that momentum.

In addition to the changes made in response to the commenters and noted previously, minor editorial changes to the rule have been made for the sake of clarity.

Paperwork Reduction Act

Information collection requirements in the amendments to parts 107 and 108 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0554.

Regulatory Evaluation Summary

Introduction

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, when practical, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that meets one of the following criteria if it: Has an annual effect on the economy of $100 million or more; causes a major increase in consumer costs; has a significant adverse effect on competition, or is highly controversial.

The FAA has determined that this rule is not "major" as defined in the executive order, therefore a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, termed a regulatory evaluation, that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains an initial regulatory flexibility determination as required by the 1980 Regulatory Flexibility Act (Pub. L. 96–354) and an international trade impact assessment. If more detailed economic information is desired than is contained in this summary, the reader is referred to the full regulatory evaluation contained in the docket.

Cost

Commenters on the cost of the rule focused on the training cost of persons with unescorted access to security identification display areas (SIDAs). The commenters primarily wanted more detail on the curriculum and hours requirement of the training. The specific content of the training will vary from airport to airport. Hence, the contents of this training will be spelled out in each airport security plan. However, the length of training will be only 2 hours or less.

The rule will improve airport security, but it will also impose additional costs on airport operators and on airlines. Tables 1.a and 1.b outline the changes, the type of costs associated with that change, and the estimated costs. All costs are presented in 1990 dollars and are discounted using a 10 percent discount rate.

TABLE 1.a.—CHANGES IN FAR PART 107 "AIRPORT SECURITY"

Section	Rule	Annualized costs
107.7	Will require reporting changes in security liaison personnel	No incremental costs.
107.25	Will require training in security procedures for persons authorized unescorted access to restricted areas at airports.	Training costs for security personnel include wages paid during training and cost of instruction: $4,456,000.
107.27	Will clarify the responsibility of airport operators to provide evidence of compliance of this part.	No incremental costs.
107.29	Will require appointment of an Airport Security Coordinator	Small administrative costs of $22,400.

TABLE 1.b.—CHANGES IN FAR PART 108 "AIRPLANE OPERATOR SECURITY"

Section	Rule	Annualized costs
108.9	Will require airlines to staff checkpoints in accordance with their security programs. (Changes in ACSSP imply additional security checkpoint staffing.)	Additional checkpoint staffing will cost $1.2 million.
108.17	Will require carriers to comply with x-ray operator duty time limitations.	No incremental costs. This codifies existing policy
108.29	Will require that air carriers assign a person as the principal ground security coordinator to have security oversight functions including daily reviews of security functions.	Administrative costs related to evaluations equal $134,000.
108.31	Will require hiring, training and testing of security personnel to a standard outlined in their ACSSP.	This mostly codifies existing practices. However the administrative costs related to assuring that personnel meet standards and enhanced remedial training costs are $61,800.

The rule will impose discounted costs of approximately $37.7 million over the period 1992 through 2001; the annualized costs will be approximately $5.9 million. About $4.5 million in annualized costs result from enhanced training requirements for personnel authorized for unescorted access to SIDA's. Approximately $1.2 million in costs come from enhanced checkpoint staffing requirements at small airports. In addition, the amendment will impose $218,000 in administrative and other costs on airports and air carriers.

Benefits.

The primary benefit from this rule is a reduced risk of terrorist incidents and other criminal acts against civil aviation within the U.S. Although this regulation affects U.S. airports, benefit estimates are based on the potential for terrorist activity throughout the world. Terrorists' activity ranges from an inflight bombing that destroys an aircraft to a hijacking.

Table 2.—TERRORIST BOMBINGS ABOARD CIVIL AIRCRAFT—1986/1989

Date	Airline	Killed	Injured
04/02/86	TWA	4	9
05/03/86	Air Lanka	16	41
10/26/86	Thai Airways	0	62
03/01/88	BOP Air (S. Africa).	17	0
12/21/88	Pan Am	270	0
09/19/89	UTA	171	0
11/27/89	Avianca	107	0
Total		585	112

Table 2 lists acts of aviation sabotage since 1986 where an explosion occurred aboard the airplane. The seven explosions produced an average of 84 fatalities. Between 1980 and 1985, 18 bombing incidents (7 incidents resulted in fatalities or injuries) occurred aboard civil aircraft accounting for 505 fatalities. These data reveal the extent of terrorist activity and the risk of a major terrorist bombing incident.

Although terrorist incidents are unpredictable, the potential economic loss from such an event can be measured based on avoided fatalities, injuries, and aircraft damage. To give the public and Government officials a benchmark comparison of the expected safety benefits of rulemaking actions over an extended period with estimated costs in dollars, the FAA currently uses a value of $1.5 million to represent statistically an avoided human fatality (according to guidelines issued by the Office of the Secretary of Transportation dated June 22, 1990).

TABLE 3.—ESTIMATED BENEFITS FROM PREVENTION OF TERRORIST ACT

Aircraft type	Boeing 727	DC10
Capacity	148.8	275.4
Load Factor	61.4	68.5
Passengers	91	189
Value of Avoided Fatalities	$137,044,0600	$282,973,500
Value of Aircraft	$5,994,310	$23,711,670
Total Value	$143,039,110	$306,685,170
Annualized Value	$14,303,900	$30,668,600
Discounted Value	$92,181,216	$197,642,532

Table 3 presents a range of the potential benefits from avoiding just one terrorist incident during the next 10 years. The destruction of a Boeing 727 could result in a death toll of 91 persons. The estimated benefits of avoiding these deaths are $137 million. The replacement value of a Boeing 727 in 1990 dollars is approximately $6 million. The present value of such a disaster is valued at $92 million with an annualized value of $14 million over the period 1992 through 2001. On the other end of the scale, the loss of a DC10 could cause the loss of 189 lives and aircraft damage of $24 million. The discounted value of preventing such an incident is $198 million with an annualized value is $30.7 million.

Historically, a domestic hijacking that detours an airplane from its scheduled route but results in no aircraft damage or injuries has an estimated annualized benefit that ranges from $27,000 to $54,000.

TABLE 4.—Benefit Cost Comparison

Category	Annualized value	Ten year discounted value
Cost	$5,852,000	$37,655,000
Low Benefit	$14,303,000	$92,181,000
Low Net Benefits	$8,451,000	$54,526,000
High Benefit	$30,668,000	$197,600,000
High Net Benefits	$24,816,000	$159,945,000

Benefit-Cost Comparison

A comparison of potential benefits and costs of the rule is presented in Table 4. On the low side, the potential discounted net benefit from the amendment could be $55 million ($8.5 million annualized net benefit); on the high side, discounted net benefit could be $160 million ($24.8 million annualized net benefit). The benefit that may be derived from the added deterrence of a potential hijacking is not specifically included in these estimates. Prevention of hijacking simply strengthens the argument about rule benefits.

The FAA, therefore, has determined that it is reasonable to expect the potential benefits of the rule to exceed its costs.

International Trade Impact

The rule will have little or no impact on international trade. This amendment is not likely to affect foreign operators except where their personnel have access to unescorted areas of the airport. In this instance, the operator must provide training as stated in the amendment. This cost will be the same for international carriers and domestic carriers.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act sections 603(b) and 603(c) of 1980 (RFA)

ensures that government regulations do not needlessly and disproportionately burden small businesses. The RFA requires FAA to review each rule that may have "a significant economic impact on a substantial number of small entities."

FAA criteria sets a "substantial number" as not less than 11 and more than one-third of the small entities subject to the rule. About 220 small airports will be affected by this rule. The affected small airports are those operated by towns, cities, or counties whose populations are each less than 50,000 according to the FAA Regulatory Flexibility Criteria and Guidance. This Criteria defines a threshold value for "a significant economic impact" as $6,950 in 1990 dollars.

Of the 220 airports which qualify as small entities, none incur costs that exceed the threshold. These airports will experience some additional costs resulting from requirements for training personnel having unescorted access to airport secure areas. The estimated costs for these airports range from about $100 to $2,000 a year with a median value of $150. These costs are the result of increased security training and administrative requirements. (Costs to airports come from §§ 107.25, 107.29, and 108.29.)

Air carriers also will incur some additional costs as a result of the rule. The threshold size for air carriers is nine aircraft operated by the certificate holder; and the cost threshold ranges from $51,000, for scheduled operators of aircraft for hire with at least one airplane having fewer than 60 seats, to $107,900, for operators where the entire fleet has a seating capacity of over 60.

Additional costs to small entities in these two groups will result from the hiring of additional checkpoint supervisors. Since these small entities operate only nine aircraft or fewer, they seldom have checkpoints at more than one or two airports and administrative costs will be small. The annual cost of staffing two airport checkpoints with a supervisor for 4 hours a day, 5 days per week will be approximately $24,000. (Costs to airlines will come from §§ 107.25, 107.29, and 108.31.) Therefore, the additional cost will not exceed one-half the threshold for part 135 operators or one-fourth the threshold for part 121 operators. Hence, the rule will not have a significant economic impact on a substantial number of part 121 and part 135 small entities.

Hence, the FAA certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because of substantial public and congressional interest in the enhancement of aviation security. A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

Lists of Subjects

14 CFR Part 107

Airports, Law enforcement officers, Reporting and recordkeeping requirements, Security measures.

14 CFR Part 108

Air carriers, aircraft, Law enforcement officers, Reporting and recordkeeping requirements, Security measures, X-rays.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 107 and 108 of the Federal Aviation Regulations (14 CFR parts 107 and 108) as follows:

PART 107—AIRPORT SECURITY

1. The authority citation for part 107 is revised to read as follows, and all other authority citations in this part have been removed:

Authority: 49 U.S.C. App. 1354, 1356, 1357, 1358, and 1421; 49 U.S.C. 106(g); Sec. 101, et seq., Pub. L. 101–604, 104 Stat. 3066.

2. A new paragraph (a)(5) is added to § 107.7 to read as follows:

§ 107.7 Changed conditions affecting security.

* * * * *

(a) * * *

(5) Any changes to the designation of the Airport Security Coordinator (ASC) required under § 107.29.

* * * * *

3. Section 107.25 is added to read as follows:

§ 107.25 Airport identification media.

(a) As used in this section, "security identification display area" means any area identified in the airport security program as requiring each person to continuously display on their outermost garment, an airport-approved identification medium unless under airport-approved escort.

(b) After January 1, 1992, an airport operator may not issue to any person any identification media that provides unescorted access to any security identification display area unless the person has successfully completed training in accordance with an FAA-approved curriculum specified in the security program.

(c) By October 1, 1992, not less than 50 percent of all individuals possessing airport-issued identification that provides unescorted access to any security identification display area at that airport shall have been trained in accordance with an FAA-approved curriculum specified in the security program.

(d) After May 1, 1993, an airport operator may not permit any person to possess any airport-issued identification medium that provides unescorted access to any security identification display area at that airport unless the person has successfully completed FAA-approved training in accordance with a curriculum specified in the security program.

(e) The curriculum specified in the security program shall detail the methods of instruction, provide attendees the opportunity to ask questions, and include at least the following topics:

(1) Control, use, and display of airport-approved identification or access media;

(2) Challenge procedures and the law enforcement response which supports the challenge procedure;

(3) Restrictions on divulging information concerning an act of unlawful interference with civil aviation if such information is likely to jeopardize the safety of domestic or international aviation;

(4) Non-disclosure of information regarding the airport security system or any airport tenant's security systems; and

(5) Any other topics deemed necessary by the Assistant Administrator for Civil Aviation Security.

(f) No person may use any airport-approved identification medium that provides unescorted access to any security identification display area to gain such access unless that medium

was issued to that person by the appropriate airport authority or other entity whose identification is approved by the airport operator.

(g) The airport operator shall maintain a record of all training given to each person under this section until 180 days after the termination of that person's unescorted access privileges.

4. Section 107.27 is added to read as follows:

§ 107.27 Evidence of compliance.

On request of the Assistant Administrator for Civil Aviation Security, each airport operator shall provide evidence of compliance with this part and its approved security program.

5. Section 107.29 is added to read as follows:

§ 107.29 Airport Security Coordinator.

Each airport operator shall designate an Airport Security Coordinator (ASC) in its security program. The designation shall include the name of the ASC, and a description of the means by which to contact the ASC on a 24-hour basis. The ASC shall serve as the airport operator's primary contact for security-related activities and communications with FAA, as set forth in the security program.

PART 108—AIRPLANE OPERATOR SECURITY

6. The authority citation for part 108 is revised to read as follows:

Authority: 49 U.S.C. App. 1354, 1356, 1357, 1421, 1424, and 1511; 49 U.S.C. 106(g); sec. 101, et seq., Pub. L. 101–604, 104 Stat. 3066.

7. A new paragraph (d) is added to § 108.9 to read as follows:

§ 108.9 Screening of passengers and property.

* * * * *

(d) Each certificate holder shall staff its security screening checkpoints with supervisory and non-supervisory personnel in accordance with the standards specified in its security program.

8. A new paragraph (h) is added to § 108.17 to read as follows:

§ 108.17 Use of X-ray Systems.

* * * * *

(h) Each certificate holder shall comply with X-ray operator duty time limitations specified in its security program.

9. Section 108.29 is added to read as follows:

§ 108.29 Standards for security oversight.

(a) Each certificate holder shall ensure that:

(1) Each person performing a security-related function for the certificate holder has knowledge of the provisions of this part 108, applicable Security Directives and Information Circulars promulgated pursuant to § 108.18, and the certificate holder's security program to the extent that the performance of the function imposes a need to know.

(2) Daily, a Ground Security Coordinator at each airport:

(i) Reviews all security-related functions for effectiveness and compliance with this part, the certificate holder's security program, and applicable Security Directives; and

(ii) Immediately initiates corrective action for each instance of noncompliance with this part, the certificate holder's security program, and applicable Security Directives.

(b) The requirements prescribed in paragraph (a) of this section apply to all security-related functions performed for the certificate holder whether by a direct employee or a contractor employee.

10. Section 108.31 is added to read as follows:

§ 108.31 Employment standards for screening personnel.

(a) No certificate holder shall use any person to perform any screening function, unless that person has:

(1) A high school diploma, a General Equivalency Diploma, or a combination of education and experience which the certificate holder has determined to have equipped the person to perform the duties of the position;

(2) Basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

(i) Screeners operating X-ray equipment must be able to distinguish on the X-ray monitor the appropriate imaging standard specified in the certificate holder's security program. Wherever the X-ray system displays colors, the operator must be able to perceive each color;

(ii) Screeners operating any screening equipment must be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(iii) Screeners must be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment;

(iv) Screeners performing physical searches or other related operations must be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subjects to security processing; and

(v) Screeners who perform pat-downs or hand-held metal detector searches of persons must have sufficient dexterity and capability to conduct those procedures on all parts of the persons' bodies.

(3) The ability to read, speak, and write English well enough to:

(i) Carry out written and oral instructions regarding the proper performance of screening duties;

(ii) Read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

(iii) Provide direction to and understand and answer questions from English-speaking persons undergoing screening; and

(iv) Write incident reports and statements and log entries into security records in the English language.

(4) Satisfactorily completed all initial, recurrent, and appropriate specialized training required by the certificate holder's security program.

(b) Notwithstanding the provisions of paragraph (a)(4) of this section, the certificate holder may use a person during the on-the-job portion of training to perform security functions provided that the person is closely supervised and does not make independent judgments as to whether persons or property may enter a sterile area or aircraft without further inspection.

(c) No certificate holder shall use a person to perform a screening function after that person has failed an operational test related to that function until that person has successfully completed the remedial training specified in the certificate holder's security program.

(d) Each certificate holder shall ensure that a Ground Security Coordinator conducts and documents an annual evaluation of each person assigned screening duties and may continue that person's employment in a screening capacity only upon the determination by that Ground Security Coordinator that the person:

(1) Has not suffered a significant dimunition of any physical ability required to perform a screening function since the last evaluation of those abilities;

(2) Has a satisfactory record of performance and attention to duty; and

(3) Demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(e) Paragraphs (a) through (d) of this section do not apply to those screening functions conducted outside the United States over which the certificate holder does not have operational control.

(f) At locations outside the United States where the certificate holder has operational control over a screening function, the certificate holder may use screeners who do not meet the requirements of paragraph (a)(3) of this section, provided that at least one representative of the certificate holder who has the ability to functionally read and speak English is present while the certificate holder's passengers are undergoing security processing.

Issued in Washington, DC, on August 15, 1991.

James B. Busey,

Administrator.

[FR Doc. 91-19928 Filed 8-15-91; 4:24 pm]

BILLING CODE 4910-13-M

federal register

Tuesday
August 20, 1991

Part IV

Office of Personnel Management

Request for Expedited Review of OPM 2809-EZ1 and DPRS 2809 Submitted to OMB for Clearance; Correction; Notice

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Expedited Review of OPM 2809–EZ1 and DPRS 2809 Submitted to OMB for Clearance; Correction

AGENCY: Office of Personnel Management.

ACTION: Notice; correction.

SUMMARY: On Augut 15, 1991, in separate **Federal Register** notices requesting expedited review of forms 2809–EZ1 (56 FR 40648) and DPRS 2809 (56 FR 40649), OPM inadvertently omitted publishing the forms themselves. This document sets out the content of those forms for comment.

DATES: Comments on this proposal should be received by close of business August 23, 1991. OMB will act upon this clearance by August 30, 1991. If you intend to file comments, call Joe Lackey of OMB at (202) 395–7316 and make your intention known.

ADDRESSES: Send or deliver comments to—

Joseph Lackey, Office of Management and Budget, OPM Desk Officer, Human Resources and Housing Branch, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Federal Employees Health Benefits Program (FEHB)

Open Season

Draft DPRS–2809

OMB 3206–

Request To Change FEHB Enrollment or To Receive Plan Brochures for Spouse Equity and Temporary Continuation of Coverage Enrollees

Read the enclosed instructions before completing this form.

Return form to USDA/OFM/NFC, DPRS Billing Unit, P.O. Box 61760, New Orleans, LA 70161–1760

Do not take any action to maintain your present coverage.

Section I. Action. Mark the appropriate block to indicate the action you are requesting. Please mark only ONE block.

—**Change Enrollment.** I want to to change my FEHB enrollment and do not need to review further information. I have marked the block in Section II to indicate the plan I have selected OR entered the enrollment code and plan name for a prepaid plan.

—**Receive Plan Brochures.** I need to review additional information before making an Open Season election. Please send me the brochure(s) for the plan(s) I have marked in Section II or entered in the blocks for prepaid plans. A list of the prepaid plans is included in the comparison booklet. I understand that I may choose a total of 5 brochures.

Section II. Enrollment Codes and Plan Names. Mark the appropriate blocks.

Fee-for-Service Open Enrollment

481—Alliance-High-Self Only
462—Alliance-High-Self and Family
464—Alliance-Stnd-Self Only
465—Alliance-Stnd-Self and Family
471—APWU-Self Only
472—APWU-Self Only and Family
101—Blue Cross/Blue Shield-High-Self Only
102—Blue Cross/Blue Shield-High-Self and Family
104—Blue Cross/Blue Shield-Stnd-Self Only
105—Blue Cross/Blue Shield-Stnd--Self and Family
311—GEHA-Self Only
312—GEHA-Self and Family
451—Mail Handlers-High-Self Only
452—Mail Handlers-High-Self and Family
454—Mail Handlers-Stnd-Self Only
455—Mail Handlers-Stnd-Self and Family
321—NALC--Self Only
322—NALC-Self and Family
YY1—NTEU-Self Only
YY2—NTEU-Self and Family
361—Postmasters-High-Self Only
362—Postmasters-High-Self and Family
364—Postmasters-Stnd-Self Only
365—Postmasters-Stnd-Self and Family

Fee-for-Service Limited Enrollment

Enrollee must be a full member of the sponsoring organization to enroll in these plans.

Y21—BACE-Self Only
Y22—BACE-Self and Family
401—Foreign Service-Self Only
402—Foreign Service-Self and Family
YP1—NAPUS-Self Only
YP2—NAPUS-Self and Family
431—Panama Canal Area-Self Only
432—Panama Canal Area-Self and Family
381—Rural Carriers-Self Only
382—Rural Carriers-Self and Family
441—SAMBA-Self Only
442—SAMBA-Self and Family
Y71—Secret Service-Self Only
Y72—Secret Service-Self and Family

PREPAID PLANS

Enrollment code	Name of plan

Section III. Address Correction.

—I need to correct my address. The changes are indicated in the box below.

_____

_____

_____

_____

Section IV. Authorization. You must sign and date this form. Enter the daytime area code and telephone number where you can be contacted to answer questions.

_____

Signature

_____

Date

_____

Area Code and Telephone Number

DRAFT OPM FORM 2809EZ1

1991 FEHB Open Season

(Revised October 1991)

Federal Employees Health Benefits Program
United States Office of Personnel Management
For use by CSRS/FERS Annuitants to Change Enrollment or to request additional information

Form Approved: OMB No. 3206–0000 Previous Editions are not usable.

SECTION 1—ADDRESS CORRECTION

{ } Address Change. If your permanent mailing address as shown to the right is incorrect, darken the Address Change circle and make the necessary corrections in the space provided below.

Street Address
City, State and ZIP Code
Country (*if not United States)*

OPM USE ONLY
E{ }L{ }NS{ }T{ }
CLAIM NUMBER:

SECTION 2—OPEN SEASON ACTION REQUEST—You may either change your FEHBP enrollment or request information. You may not do both on this form. If you are satisfied with your present FEHB converage, do not return this form.

{ } Enrollment Change

I WANT TO CHANGE MY HEALTH BENEFITS ENROLLMENT AND DO NOT NEED ADDITIONAL INFORMATION. Please change my coverage in my current plan or change my enrollment to the plan I have selected in Section 3 below for the following type of coverage:

{ } Self Only
{ } Self and Family

Information *(You may make more than one selection in this Section)*

{ } I DO NOT WANT HEALTH BENEFITS COVERAGE. Send me the form necessary to cancel my health benefits coverage effective December 31, 1991. Note: Your enrollment will not be cancelled unless you sign and return the confirmation form.

{ } MY ANNUITY ISN'T BIG ENOUGH FOR THE COVERAGE I WANT. Send me

information on how I may mail premiums directly to OPM.

{ } I NEED MORE PLAN INFORMATION BEFORE I DECIDE. Send me the health plan brochure(s) for the plan(s) I have selected in Section 3 below. (*You may choose up to 5.*)

SECTION 3—PLAN CHOICES—*(Plan Brochure Requests, choose up to FIVE; Enrollment Change choose ONE) Darken the circle BETWEEN the enrollment code and the plan you choose.*

This form is individualized for each annuitant based upon their geographical location.

GOVERNMENT WIDE PLAN

Fee-for-Service—OPEN PLANS

Fee-for-Service—RESTRICTED PLANS

Prepaid Plans:

Prepaid Plans:

SECTION 4—SIGNATURE *(You Must Sign and Date this form)*

Signature *(Must be signed by the addressee or by an OPM-approved representative)*

Date

Telephone Number *(include Area Code)*

{ }

[FR Doc. 91–20060 Filed 8–19–91; 8:45am]

BILLING CODE 6325–01–M

Reader Aids

Federal Register

Vol. 56, No. 161

Tuesday, August 20, 1991

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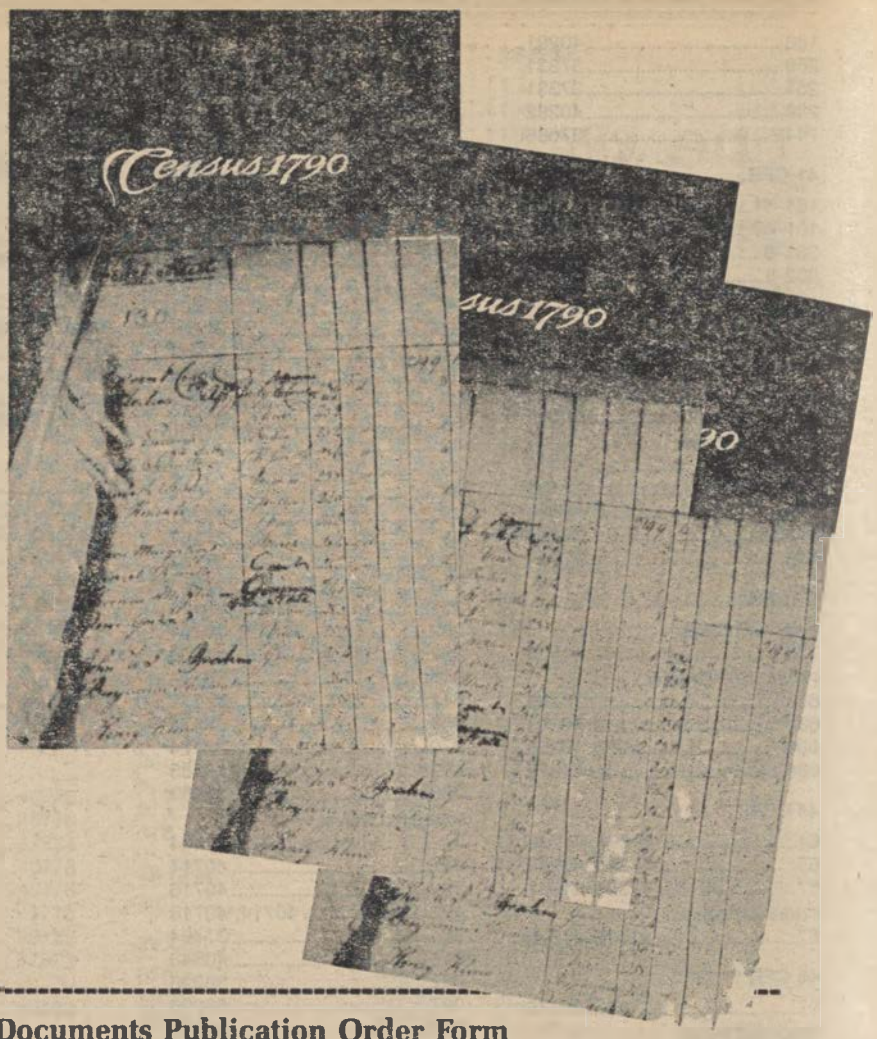
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Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

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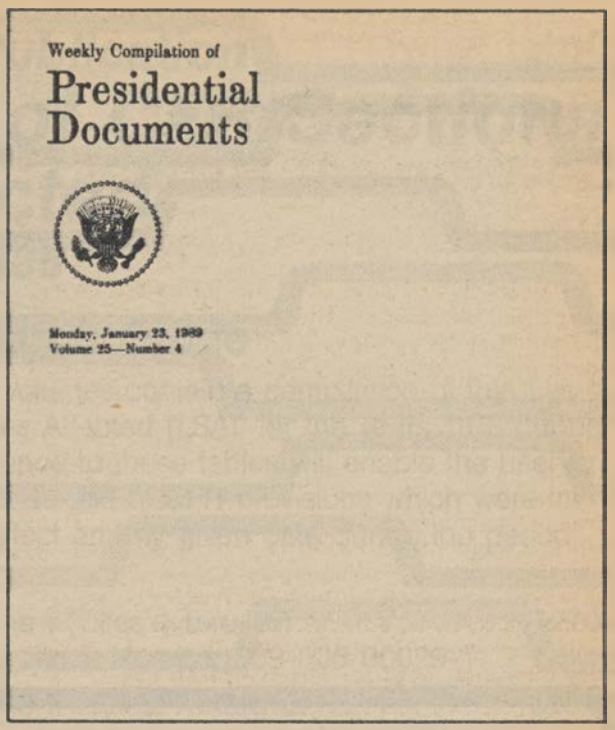
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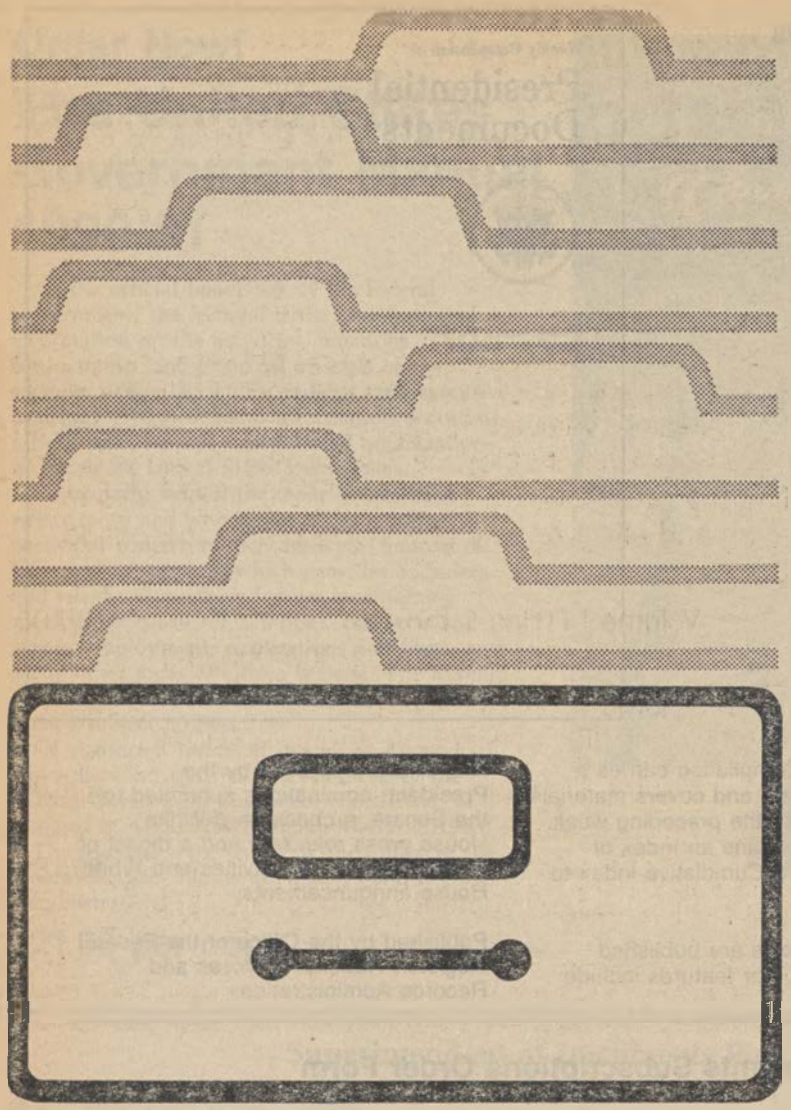
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in the Code of Federal Regulations (CFR)

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SUPPLEMENT: Revised January 1, 1991

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The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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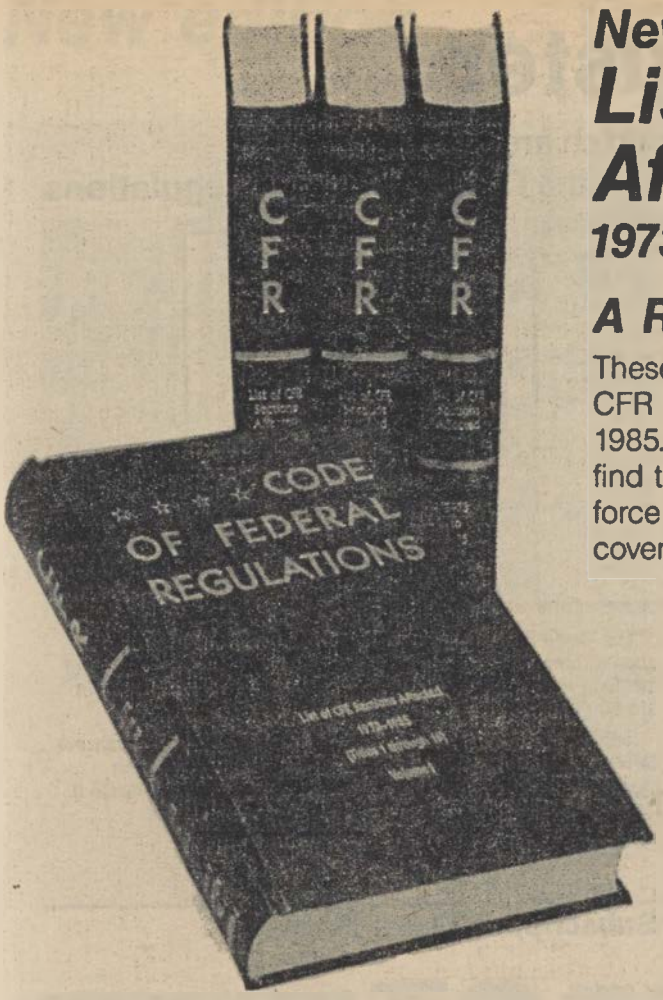
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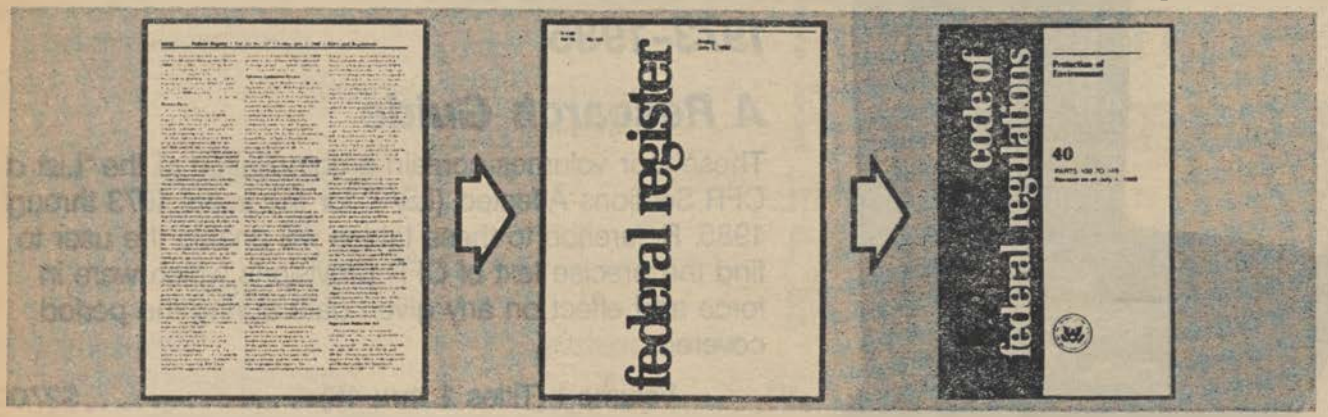
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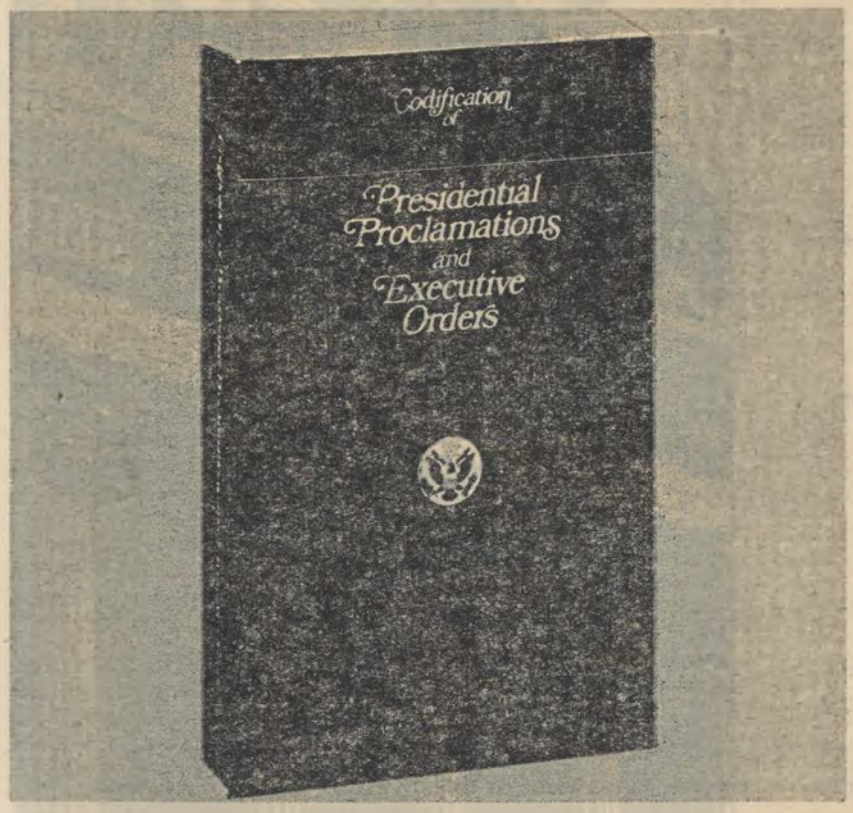
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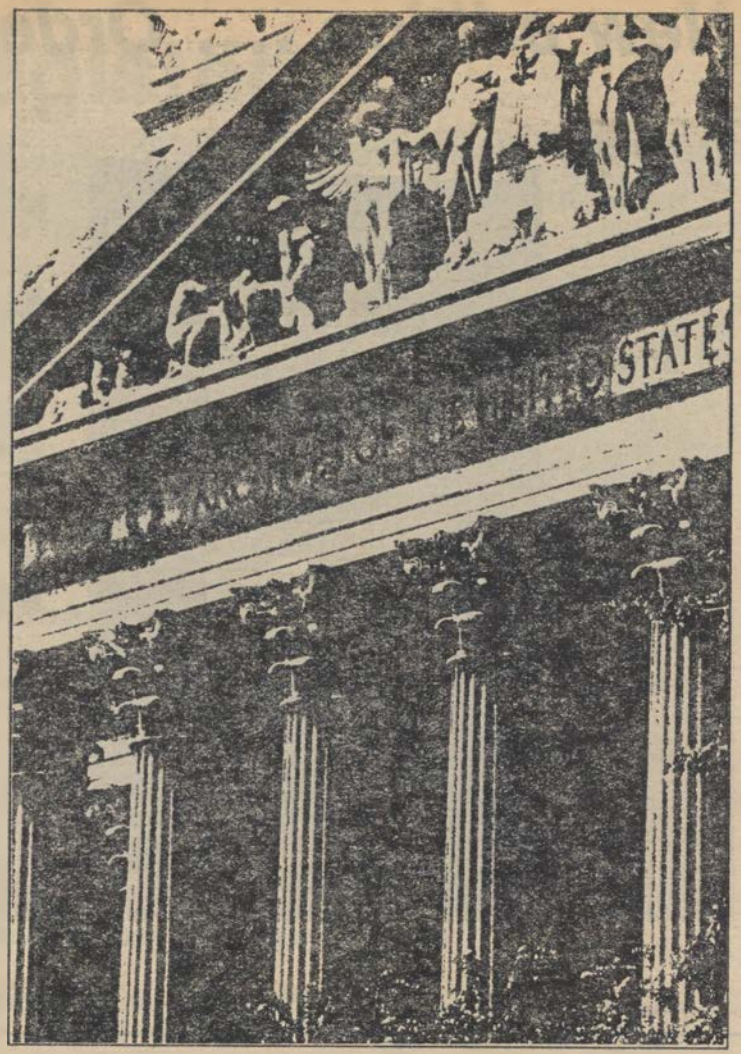
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